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सं. 47] नई दिल्ली, नवम्बर 16—नवम्बर 22, 2003, शनिवार/कार्तिक 25—अग्रहायण 1, 1925
No. 47] NEW DELHI, NOVEMBER 16—NOVEMBER 22, 2003, SATURDAY/KARTIKA 25—AGRAHAYANA 1, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 4 नवम्बर, 2003

का०आ० 3202.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिल्ली विशेष स्थापना अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 6 के अधीन मध्य प्रदेश सरकार के गृह (पुलिस) विभाग की अधिसूचना सं० डी-1786/बी-1/II/2003 एफ० 48-10/2002/सी-3/20 दिनांक 07-03-2003 द्वारा प्राप्त मध्य प्रदेश सरकार की सहमति से भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं० 45) की धारा 420, 467, 468, 471, 120बी, 201 के अधीन दंडनीय अपराधों के संबंध में मध्य प्रदेश पाठ्य पुस्तक निगम द्वारा एसबीआई म्यूचुअल फंड की मैगनम इन्कम फंड ग्रोथ प्लान में 3 करोड़ रु० के निवेश संबंधी घोटाले के संबंध में एम०पी० नगर पुलिस स्टेशन, जिला-एम०पी० नगर, भोपाल में दर्ज अपराध मामला सं० 560/2002 के अन्वेषण और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के

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अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण मध्य प्रदेश राज्य पर करती है।

[सं० 228/59/2003-डीएसपीई]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 4th November, 2003

S.O. 3202.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with section 6 of Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of State Government of Madhya Pradesh, Home (Police) Department, Bhopal vide Notification No. D-1786/B-I/II/2003/F-48-10/2002/C-3-20, dated 7-3-2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of Crime No. 560/2002 registered at M.P. Nagar Police Station M.P. Nagar, district, Bhopal under sections, 420, 467, 468, 471, 120-B and 201 of the Indian Penal Code, 1860 (Act No. 45 of 1860) with regard to scam of Rs. 3 Crore invested by Madhya Pradesh Pathya Pustak Nigam in Magnum Income Fund Growth Plan of SBI Mutual Fund and attempt, abetment and conspiracies

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in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/59/2003-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 4 नवम्बर, 2003

का०आ० 3203.—केन्द्रीय सरकार, एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं० 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री डी०सी० सरकार धेववता, बंगलकाता को कृष्णा नगर, जिला-नाडिया, पश्चिम बंगाल हाईस्ट्रैक न्यायालय में मामला आर०सी०-4 (एस)/99 सीबीआई नॉ डी०एल०आई०/एस०सी०बी० I/नई दिल्ली (राजकुमार चक्रवर्ती का हिरासत में मृत्यु के बारे में) और उससे संबंधित अथवा उससे उद्भूत अन्य कोई मामला और अपील और पुनरीक्षण न्यायालयों में उक्त मामले में सामने आने वाली अन्य प्रक्रियाओं का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं० 225/32/2003-डीएसपी]

शुभा ठाकुर, अवर सचिव

New Delhi, the 4th November, 2003

S.O. 3203.—In exercise of the powers conferred by the provision of Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the central Government hereby appoints Sh. D.C. Sarkar, Advocate, Kolkata as Special Public Prosecutor for conducting prosecution of Case RC-4(S)/99 DLI of CBI/SCBI-I/New Delhi (regarding the custodial death of Raj Kumar Chakroborty) and any other matter connected therewith or incidental there to, in the Fast Track Court at Krishna Nagar, Distt. Nadia, West Bengal and also other proceedings arising out of the said case in the appellate and revision at courts.

[F. No. 225/32/2003-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 11 नवम्बर, 2003

का०आ० 3204.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आंध्र प्रदेश राज्य सरकार की अधिनियम सं० जी०ओ० एम एस सं० 220 गृह (एससीए) विभाग दिनांक 29-07-2003 द्वारा प्राप्त आंध्र प्रदेश राज्य सरकार की सहमति से मेरेडपल्ली पुलिस स्टेशन, हैदराबाद सिटी, आंध्र प्रदेश में दर्ज मामला अपराध सं० 84/2003 दिनांक 13-04-2003 में ए० वेंकटेश्वर राव पुत्र श्री ए० जोगुलु निवासी सिकन्दराबाद (आ.प्र.), ए० राम मोहन राव पुत्र श्री ए० सुब्रह्मण्यम निवासी इलुरु (आ०प्र०) और अन्यो के विरुद्ध भारतीय दंड संहिता की धारा 258, 259 संपठित धारा 34 के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों तथा उसी संयन्त्राहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस

स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण आंध्र प्रदेश राज्य पर करती है।

[सं० 228/59/2001-डीएसपी]

शुभा ठाकुर, अवर सचिव

New Delhi, the 11th November, 2003

S.O. 3204.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of State Government of Andhra Pradesh vide Notification No. G.O. Ms. No. 220 Home (SCA) Department dated 29-7-2003 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of case Crime No. 84/2003 dated 13-4-2003 registered at Meredpally Police Station, Hyderabad City, Andhra Pradesh against A. Venkateswar Rao S/O Shri A. Jogulu R.O Secunderabad (A.P.), A. Ram Mohan Rao S/O Shri A. Subramanayam R/o Eluru (A.P.) and others under sections 258, 259 read with Section 34 of the Indian Penal Code and attempt, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/59/2001-DSPE]

SHUBHA THAKUR, Under Secy.

कार्मिक लोक शिकायत और पेंशन मंत्रालय (पेंशन और पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 11 नवम्बर, 2003

का०आ० 3205.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

- (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) संशोधन नियम, 2003 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 (जिन्हें) इसमें इसके पश्चात् उक्त नियम कहा गया है में,—
 - नियम 13 में, दूसरे परंतुक में, खण्ड (ख) के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किया जाएगा, अर्थात्:—
“(ग) खण्ड (ख) के उपबन्ध नियम 19 के अधीन सिविल पेंशन के लिए सेना सेवा की संगणना के मामले में लागू नहीं होंगे”;
 - उक्त नियमों के नियम 19 के उपनियम (1) में, “अठारह वर्ष की आयु प्राप्त करने के पश्चात्” शब्दों का लोप किया जाएगा।

[सं० 28/19/2001-पी और पी डब्ल्यू (बी)]

एम. के. अग्रवाल, उप सचिव (पी. डब्ल्यू)

पाद टिप्पण:—साधारण भविष्य निधि (केन्द्रीय सेवा) नियम 1972,

का०आ० सं० 934 तारीख 1-4-1972 द्वारा प्रकाशित

किए गए थे। नियमों का चौथा पुनःसुदृढ (जुलाई, 1988 तक संशोधित) द्विभाषी रूप में 1988 प्रकाशित कर दिया गया है। तत्पश्चात्, इन नियमों में पेंशन और पेंशनभोगी कल्याण विभाग की निम्नलिखित अधिसूचनाओं द्वारा संशोधन किए गए थे:—

1. का.आ. सं. 254 तारीख 4-2-1989
2. का.आ. सं. 970 तारीख 6-5-1989
3. का.आ. सं. 2467 तारीख 7-10-1989
4. का.आ. सं. 899 तारीख 14-4-1990
5. का.आ. सं. 1454 तारीख 26-5-1990
6. का.आ. सं. 2329 तारीख 8-9-1990
7. का.आ. सं. 3269 तारीख 8-12-1990
8. का.आ. सं. 3270 तारीख 8-12-1990
9. का.आ. सं. 3273 तारीख 8-12-1990
10. का.आ. सं. 409 तारीख 9-12-1991
11. का.आ. सं. 464 तारीख 16-2-1991
12. का.आ. सं. 2287 तारीख 7-9-1991
13. का.आ. सं. 2740 तारीख 2-11-1991
14. सा.का.आ. सं. 677 तारीख 7-12-1991
15. सा.का.आ. सं. 39 तारीख 1-2-1992
16. सा.का.आ. सं. 55 तारीख 15-2-1992
17. सा.का.आ. सं. 570 तारीख 19-12-1992
18. का.आ. सं. 258 तारीख 13-2-1993
19. का.आ. सं. 1673 तारीख 7-8-1993
20. सा.का.आ. सं. 449 तारीख 11-9-1993
21. का.आ. सं. 1984 तारीख 25-9-1993
22. सा.का.आ. सं. 389(अ) तारीख 18-4-1994
23. का.आ. सं. 1775 तारीख 19-7-1997
24. का.आ. सं. 259 तारीख 30-1-1999
25. का.आ. सं. 904(अ) तारीख 30-9-2000
26. का.आ. सं. 717(अ) तारीख 27-7-2001
27. का.आ. सं. 4000 तारीख 28-12-2002
28. का.आ. सं. 860(अ) तारीख 28-7-2003

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

New Delhi, the 11th November, 2003

S.O. 3205.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These Rules may be called the Central Civil Services (Pension) Amendment Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.
3. In the Central Civil Services (Pension) Rule, 1972 (herein after referred to as the said rules):—
 - (i) In rule 13, in the second proviso, after clause (b), the following clause shall be inserted, namely:—
“(c) the provisions of clause (b) shall not be applicable in the cases of counting of military service for civil pension under rule 19”;
 - (ii) in rule 19 of the said rules, in sub-rule (1), the words “after attaining the age of eighteen years” shall be omitted.

[No. 28/19/2001-P&PW (D)]

M.K. AGARWAL, Dy. Secy. (PW)

Foot note :—The Central Civil Services (Pension) Rules, 1972 were published as S.O. 934 dated 1-4-1972. The fourth edition of the rules corrected up to July, 1988 was printed in the year 1988. The Rules were subsequently amended vide Department of Pension & Pensioners' Welfare notifications given below:—

S. No.	Notification No.	Date
1.	S.O. No. 254	4-2-1989
2.	S.O. No. 970	6-5-1989
3.	S.O. No. 2467	7-10-1989
4.	S.O. No. 899	14-4-1990
5.	S.O. No. 1454	26-5-1990
6.	S.O. No. 2329	8-9-1990
7.	S.O. No. 3269	8-12-1990
8.	S.O. No. 3270	8-12-1990
9.	S.O. No. 3273	8-12-1990
10.	S.O. No. 409	9-12-1991
11.	S.O. No. 464	16-2-1991
12.	S.O. No. 2287	7-9-1991
13.	S.O. No. 2740	2-11-1991
14.	GSR No. 677	7-12-1991
15.	GSR No. 39	1-2-1992
16.	GSR No. 55	15-2-1992
17.	GSR No. 570	19-12-1992
18.	S.O. No. 258	13-2-1993
19.	S.O. No. 1673	7-8-1993
20.	GSR No. 449	11-9-1993
21.	S.O. No. 1984	25-9-1993
22.	GSR No. 389(E)	18-4-1994
23.	S.O. No. 1775	19-7-1997
24.	S.O. No. 259	30-1-1999
25.	S.O. No. 904(E)	30-9-2000
26.	S.O. No. 717(E)	27-7-2001

27. S.O. No. 4000 28-12-2002
28. S.O. No. 860(E) 28-7-2003

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 10 अक्टूबर, 2003

का०आ० 3206.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (ग ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, इस समय सचिव, अनुषंगी बैंक अधिकारी परिसंघ इकाई, स्टेट बैंक आफ सौराष्ट्र, श्री पी.जे. शाह, (जो फिलहाल सी एंड आई, प्रधान कार्यालय, भावनगर में प्रबन्धक के रूप में तैनात हैं) को अधिसूचना की तारीख से तीन वर्ष तक के लिए अथवा किसी उत्तराधिकारी के नियुक्त होने तक, अथवा स्टेट बैंक आफ सौराष्ट्र के अधिकारी के रूप में उनकी सेवा समाप्त होने तक, अथवा अगला आदेश होने तक, इनमें से जो भी सबसे पहले हो, स्टेट बैंक आफ सौराष्ट्र के बोर्ड में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है बशर्ते कि वह लगातार छः वर्ष से अधिक की अवधि के लिए उक्त पद ग्रहण नहीं करेंगे।

[फा. सं. 8/6/2002-बीओ-1]

रमेश चन्द, अवर सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)
New Delhi, the 10th October, 2003

S.O. 3206.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri P.J. Shah, presently Secretary, Associate Bank Officers Association Unit, State Bank of Saurashtra (posted as a Manager, C&I, HO Bhavnagar) as Officer Employee Director on the Board of State Bank of Saurashtra for a period of 3 years from the date of notification or until his successor has been nominated or till he ceases to be an officer of State Bank of Saurashtra, or until further orders, whichever is the earliest, provided that he shall not hold office continuously for a period of exceeding six years.

[F. No. 8/6/2002-BO-1]

RAMESH CHAND, Under Secy.

(राजस्व प्रभाग)

आदेश

नई दिल्ली, 23 अक्टूबर, 2003

स्टाम्प

का०आ० 3207.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आई.सी.आई.सी.आई.

बैंक लिमिटेड, वडोदरा को मात्र दो करोड़ सत्तावन लाख चौतीस हजार एक सौ तेरह रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र तीन सौ तैंतालीस करोड़ बारह लाख, पन्द्रह हजार रुपए के समग्र मूल्य के ऋणपत्रों के स्वरूप में असुरक्षित विमोच्य बंधपत्रों (निर्गम अगस्त, 2003) पर स्टाम्प शुल्क के कारण प्रभाय हैं।

[सं. 36/2003-स्टाम्प-फा.सं. 33/48/2003-बि.क.]

आर.जी. छाबड़ा, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 23rd October, 2003

STAMPS

S.O. 3207.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby permits ICICI Bank Limited, Baroda to pay consolidated stamp duty of rupees two crore fifty seven lakh thirty four thousand one hundred thirteen only chargeable on account of the stamp duty on unsecured redeemable Bonds (August, 2003 Issue) in the nature of debentures aggregating to rupees three hundred forty three crore twelve lakh and fifteen thousand only, to be issued by the said Bank.

[No. 36/2003-STAMP-F.No. 33/48/2003-ST]

R. G. CHHABRA, Under Secy.

(व्यय विभाग)

नई दिल्ली, 27 अक्टूबर, 2003

का०आ० 3208.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित सार्वजनिक संस्थान का नाम उक्त अधिनियम की अनुसूची में शामिल करती है, अर्थात् :—

“दक्षिण ध्रुवीय (एनटार्कटिक) एवं महासागर अनुसंधान हेतु राष्ट्रीय केन्द्र, गोवा”

[सं. 4(1)-संस्था-V/95(I)]

मनीष कुमार, उप सचिव

(Department of Expenditure)

New Delhi, the 27th October, 2003

S.O. 3208.—In exercise of the powers conferred by sub-section (3) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the list of institutions specified in the Schedule to the said Act, the following institution, namely :—

“National Centre for Antarctic and Ocean Research Goa”.

[No. 4(1)-EV/95(I)]

MANISH KUMAR, Dy. Secy.

नई दिल्ली, 27 अक्टूबर, 2003

का०आ० 3209.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम

के उपबंध (धारा 6क को छोड़कर) उक्त अधिनियम की अनुसूची में विनिर्दिष्ट दक्षिण ध्रुवीय (एनटार्कटिक) एवं महासागर अनुसंधान हेतु राष्ट्रीय केन्द्र, गोवा के कर्मचारियों के लाभार्थ स्थापित भविष्य निधि पर भी लागू होंगे।

[सं. 4(1)-संस्था-V/95(II)]

मनीष कुमार, उप सचिव

New Delhi, the 27th October, 2003

S.O. 3209.—In exercise of the powers conferred by Sub-section (2) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act (except Section 6A) shall apply to the Provident Fund established for the benefit of the employees of the National Centre for Antarctic and Ocean Research Goa.

[No. 4(1)-EV/95(II)]

MANISH KUMAR, Dy. Secy.

नई दिल्ली, 27 अक्टूबर, 2003

का०आ० 3210.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित सार्वजनिक संस्थान का नाम उक्त अधिनियम की अनुसूची में शामिल करती है, अर्थात् :—

“भारतीय महासागर सूचना सेवा हेतु, राष्ट्रीय केन्द्र, हैदराबाद”

[सं. 4(1)-संस्था-V/95(I)]

मनीष कुमार, उप सचिव

New Delhi, the 27th October, 2003

S.O. 3210.—In exercise of the powers conferred by Sub-section (3) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the list of institutions specified in the Schedule to the said Act, the following institution, namely :—

“Indian National Centre for Ocean Information Services, Hyderabad”

[No. 4(1)-EV/95(I)]

MANISH KUMAR, Dy. Secy.

नई दिल्ली, 27 अक्टूबर, 2003

का०आ० 3211.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम के उपबंध (धारा 6क को छोड़कर) उक्त अधिनियम की अनुसूची में विनिर्दिष्ट भारतीय महासागर सूचना सेवा हेतु, राष्ट्रीय केन्द्र, हैदराबाद के कर्मचारियों के लाभार्थ स्थापित भविष्य निधि पर भी लागू होंगे।

[सं. 4(1)-संस्था-EV/95(II)]

मनीष कुमार, उप सचिव

New Delhi, the 27th October, 2003

S.O. 3211.—In exercise of the powers conferred by Sub-section (2) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act (except Section

6A) shall apply to the Provident Fund established for the benefit of the employees of the Indian National Centre for Ocean Information Services, Hyderabad.

[No. 4(1)-EV/95(II)]

MANISH KUMAR, Dy. Secy.

नई दिल्ली, 27 अक्टूबर, 2003

का०आ० 3212.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित सार्वजनिक संस्थान का नाम उक्त अधिनियम की अनुसूची में शामिल करती है, अर्थात् :—

“राष्ट्रीय महासागर प्रौद्योगिकी संस्थान, चेन्नई”

[सं. 4(1)-संस्था-EV/95(I)]

मनीष कुमार, उप सचिव

New Delhi, the 27th October, 2003

S.O. 3212.—In exercise of the powers conferred by Sub-section (3) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the list of institutions specified in the Schedule to the said Act, the following institution, namely :—

“National Institute of Ocean Technology, Chennai”

[No. 4(1)-EV/95(I)]

MANISH KUMAR, Dy. Secy.

नई दिल्ली, 27 अक्टूबर, 2003

का०आ० 3213.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम के उपबंध (धारा 6“क” को छोड़कर) उक्त अधिनियम की अनुसूची में विनिर्दिष्ट राष्ट्रीय महासागर प्रौद्योगिकी संस्थान, चेन्नई के कर्मचारियों के लाभार्थ स्थापित भविष्य निधि पर भी लागू होंगे।

[सं. 4(1)-संस्था-EV/95(II)]

मनीष कुमार, उप सचिव

New Delhi, the 27th October, 2003

S.O. 3213.—In exercise of the powers conferred by Sub-section (2) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act (except section 6A) shall apply to the Provident Fund established for the benefit of the employees of the National Institute of Ocean Technology, Chennai.

[No. 4(1)-EV/95(II)]

MANISH KUMAR, Dy. Secy.

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 5 नवम्बर, 2003

का०आ० 3214.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 28 के साथ पठित आयकर अधिनियम, 1961 की धारा

10(23छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा (3) में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा,
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
- (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
- (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
- (ग) आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम है :—

भारत के राष्ट्रपति, कार्यवाहक निदेशक (बी एस), दूर संचार विभाग के माध्यम से और आवेदक कम्पनी के बीच हुए करारों के अनुसार 17 दूरसंचार मण्डलों [अर्थात् अण्डमान निकोबार, आन्ध्र प्रदेश, बिहार, दिल्ली, हरियाणा, हिमाचल प्रदेश, कर्नाटक, केरल, मध्य प्रदेश, महाराष्ट्र, उड़ीसा, पंजाब, राजस्थान, तमिलनाडु, उत्तर प्रदेश (पूर्वी) उत्तर प्रदेश (पश्चिमी) और पश्चिम बंगाल] और अन्तर्राष्ट्रीय लम्बी दूरी की सेवाएं में मूल दूरभाष सेवाओं को प्रदान करने के लिए अपनी परियोजनाओं के लिए मैसर्स रिलायन्स इन्फोकॉम लिमिटेड। (फा. सं. 205/31/2002-आयकर नि.-(II)]

4. यह अनुमोदन इन शर्तों के अधीन है कि उक्त उपक्रम आयकर अधिनियम, 1961 की धारा 80 झ क(4) (II) के उपबंधों के अनुसार दिनांक 31 मार्च, 2004 को अथवा इससे पहले दूर संचार सेवाओं को प्रदान करना प्रारंभ करता है।

[अधिसूचना सं. 277/2003/फा.सं. 205/31/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 5th November, 2003

S.O. 3214.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for

the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that :—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is :—

M/s Reliance (Enfocomm Ltd. Ahmedabad for their projects of providing Basic Telephone Services in 17 telecom circles [namely Andaman & Nicobar, Andhra Pradesh, Bihar, Delhi, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh (East), Uttar Pradesh (West) and West Bengal] and international long distance services as per agreements between President of India, acting through Director (BS), Department of Telecommunication and the applicant company (F. No. 205/31/2002—ITA-II).

4. The approval is subject to the condition that the undertaking starts providing telecommunication services on or before the 31st day of March, 2004, as per provisions of Section 80 I A(4)(ii) of the Income Tax Act, 1961.

[Notification No. 277/2003/F.No. 205/31/2002/ITA. II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 7 नवम्बर, 2003

.(आयकर)

का०अ० 3215.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;

- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्विष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिल्टन रो, पांचवा तल, कलकत्ता 700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स नागरी आई रिसर्च फाउंडेशन ट्रस्ट, सी.एच. नागरी आई हॉस्पिटल, एलिसब्रिज, अहमदाबाद-380006	1-4-2000 से 31-3-2003

टिप्पणी :—अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन-पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 279/2003/फ.सं. 203/45/2001-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 7th November, 2003

(INCOME TAX)

S.O. 3215.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- The notified Institution shall maintain separate books of accounts for its research activities;
- The notified Institution shall furnish the Annual

Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. Nagri Eye Research Foundation Trust, C.H. Nagri Eye Hospital, Ellisbridge, Ahmedabad-380006	1-4-2000 to 31-3-2003

Note : The notified Institution is advised to apply in triplicate as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 279/2003/F.No. 203/45/2001-ITA. II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 7 नवम्बर, 2003

(आयकर)

का०आ० 3216.—सामान्य जानकारी के लिए यह अधिसूचना किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;

- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता 700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स डा. रेड्डी, रिसर्च फाउंडेशन, 7-1-27 आमीरपेट, हैदराबाद-500016, आंध्र प्रदेश	1-4-2001 से 31-3-2004

टिप्पणी :—अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन-पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 278/2003/फा.सं. 203/5/2002-आयकर नि.-II]
संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 7th November, 2003

(INCOME TAX)

S.O. 3216.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities

to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. Dr. Reddy's Research Foundation, 7-1-27, Ameerpet, Hyderabad-500016 A.P.	1-4-2001 to 31-3-2004

Note : The notified Association is advised to apply in triplicate as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 278/2003/F.No. 203/5/2002/ITA. II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 7 नवम्बर, 2003

(आयकर)

का०आ० 3217.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;

- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्विष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रो, पांचवा तल, कलकत्ता 700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	किदवाई मैमोरियल इंस्टीट्यूट ऑफ ओनकोलोजी, डा. एम.एच. मेरीगोडा रोड, बंगलौर-560029	1-4-1999 से 31-3-2000

टिप्पणी :—अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन-पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 280/2003/फा.सं. 203/55/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 7th November, 2003

(INCOME TAX)

S.O. 3217.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its Audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which notification is effective
1.	Kidwai Memorial Institute of Oncology Dr. M. H. Marigowda Road, Bangalore	1-4-1999 to 31-3-2000

Notes : The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 280/2003/F.No. 203/55/2003-ITA. II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 7 नवम्बर, 2003

(आयकर)

का०आ० 3218.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत

निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तत्वासे नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिल्टन रोड, पांचवा तल, कलकत्ता 700071 (रख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अनुमोदन के लिए अधिसूचना प्रभावी है
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| 1. | मेसर्स इंदिरा गांधी नेशनल सेंटर फॉर द आर्ट्स, सी.बी.मैस, जनपथ, नई दिल्ली-110001 | 1-4-2000 से 31-3-2003 |
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टिप्पणी : अधिसूचित संस्था को संज्ञा दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करे। अनुमोदन के नवीकरण के लिए आवेदन-पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 281/2003/फ.सं. 203/29/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 7th November, 2003

(INCOME TAX)

S.O. 3218.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period

mentioned below, for the purpose of clause (iii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its Audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s Indira Gandhi National Centre for the Arts, C.V. Mess, Janpath, New Delhi-110001.	1-4-2000 to 31-3-2003

Notes : The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 281/2003/F.No. 203/29/2002-ITA. II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 11 नवम्बर, 2003

(आयकर)

का०आ० 3219.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर निवन्मावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के खण्ड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग-लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स गुजरात इंस्टीट्यूट आफ डेवलपमेंट रिसर्च, निकट गोटा चार रास्ता गोटा-382481, अहमदाबाद	1-4-2001 से 31-3-2004

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 285/2003/फा. सं. 203/14/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि-II)

New Delhi, the 11th November, 2003

(INCOME-TAX)

S.O. 3219.— It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate book of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Delhi Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

Sl. No. approved	Name of the organisation	Period for which notification is effective
1.	M/s. Gujarat Institute of Development Research, Near Gota Char Rasta Gota- 382481, Ahmedabad	1-4-2001 to 31-3-2004

Notes: The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 285/2003/F. No. 203/14/2002-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 11 नवम्बर, 2003

New Delhi, the 11th November, 2003

(आयकर)

(INCOME-TAX)

का०आ० 3220.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (I) के खण्ड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आव एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स दि मदर्स सर्विस सोसाइटी प्लॉट सं. 4, वेंकट नगर एक्सटेंशन, पांडिचेरी-605001	1-4-1999 से 31-3-2002

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 286/2003/फा. सं. 203/19/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि-II)

S.O. 3220.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. Mother's Service Society, Plot No. 4, Venkata Nagar Extension, Pondicherry-605 001.	1-4-1999 to 31-3-2002

Notes : The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 286/2003/F. No. 203/19/2002-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 11 नवम्बर, 2003

New Delhi, the 11th November, 2003

(आयकर)

(INCOME-TAX)

का. आ. 3221.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोददिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आम ध्वज व्यवस्था की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवाँ तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स इन्टरनेशनल बोर्ड ऑफ योगा, योगा भवन, प्रभात कालोनी, सान्ताक्रुज (ई) मुम्बई-400055	1-4-2001 से 31-3-2004

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 287/2003/फा. सं. 203/46/2003—आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

S.O. 3221.— It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate book of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of Income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s International Board of Yoga, Yoga Bhawan, Prabhat Colony, Santacruz (E) Mumbai-400055.	1-4-2001 to 31-3-2004

Notes: The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 287/2003/F. No. 203/46/2003-ITA.-II]

SANGEETA GUPTA, Director (ITA.-II)

नई दिल्ली, 11 नवम्बर, 2003

(आयकर)

क्रा. आ. 3222.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवाँ तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स मेडिकल रिसर्च सेन्टर ऑफ मुम्बई अस्पताल ट्रस्ट, 12 मेरीन लाइन्स, मुम्बई-400020	1-4-2000 से 31-3-2003

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करे। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 288/2003/फा०सं० 203/54/2002-आयकर
नि०-II]

संगीता गुप्ता, निदेशक (आयकर नि०-II)

New Delhi, the 11th November, 2003

(INCOME-TAX)

S.O. 3222.— It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (i) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (i) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s Medical Research Centre of Bombay Hospital Trust, 12, Marine Lines, Mumbai-400020.	1-4-2000 to 31-3-2003.

Notes : The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 288/2003/F. No. 203/54/2002-ITA.II]

SANGEETA GUPTA, Director (ITA.II)

नई दिल्ली, 11 नवम्बर, 2003

(आयकर)

का०आ० 3223.— सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के प्रयोजनाश्रित "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान मति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोदरिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (ii) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स नेशनल इन्स्टिट्यूट ऑफ ओशन टेक्नोलॉजी, आई सी एवं एस आर बिल्डिंग, आई आई टी कैम्पस, चेन्नई-600036	1-4-2001 से 31-3-2004

टिप्पणी : अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 289/2003/फा० सं० 203/63/2003-आयकर नि०-II]

संगीता गुप्ता, निदेशक (आयकर नि०-II)

New Delhi, the 11th November, 2003

(INCOME-TAX)

S.O. 3223.— It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (i) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified "Association" shall maintain separate books of accounts for its research activities;
- (ii) The notified "Association" shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Delhi Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified "Association" shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (i) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s National Institute of Ocean Technology, IC&SR Building, IIT Campus, Chennai-600036	1-4-2001 to 31-3-2004.

Note: The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 289/2003/F. No. 203/63/2003-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 11 नवम्बर, 2003

(आयकर)

का०आ० 3224.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोर्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखे की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं०	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स गुजरात इन्स्टिट्यूट आफ डेजर्ट इकोलोजी (गाईड), चंगलेश्वर मंदिर के सामने, मुंद्रा रोड, भुज (कच्छ)-370001, गुजरात	26-10-2002 से 31-3-2005

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 290/2003/फा०सं० 203/78/2003-आयकर नि०-II]

संगीता गुप्ता, निदेशक (आयकर नि०-II)

New Delhi, the 11th November, 2003

(INCOME TAX)

S.O. 3224.— It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (i) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its Audited Annual Accounts and also a copy of Audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (i) of Section 35 of Income Tax Act, 1961 in addition to the return of income Tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. Gujarat Institute of Desert Ecology (GUIDE) Opp. Changleshwar Temple, Mundra Road, Bhuj (Kutch)-370001, Gujarat	26-10-2002 to 31-3-2005.

Note: The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 290/2003/F. No. 203/78/2003-ITA.II]
SANGEETA GUPTA, Director (ITA.II)

नई दिल्ली, 12 नवम्बर, 2003

(आयकर)

का०आ० 3235.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई की अवधि से पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, 'टेक्नोलॉजी भवन', न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोदित निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कलकत्ता-700071; (ख) सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं० अनुमोदित संगठन का नाम अवधि जिसके लिए अधिसूचना प्रभावी है

1. मैसर्स के. के. बिरला अकादमी, 1-4-2002 से 31-3-2004
सूर्य किरण बिल्डिंग,
पांचवां तल, 19 कस्तूरबा
गांधी मार्ग,
नई दिल्ली।

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 291/2003/फा०सं० 203/89/2003-आयकर
नि०-II]

संगीता गुप्ता, निदेशक (आयकर नि०-II)

New Delhi, the 12th November, 2003

(INCOME TAX)

S.O. 3225.— It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (i) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its Audited Annual Accounts and also a copy of Audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (i) of Section 35 of Income Tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. Name of the organisation Period for which
No. approved notification is effective

1. M/s. K.K. Birla Academy 1-4-2002 to 31-3-2004.
Surya Kiran Building,
5th Floor,
19, Kasturba Gandhi Marg,
New Delhi.

Notes: The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income Tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 291/2003/F. No. 203/89//2003-ITA.II]

SANGEETA GUPTA, Director (ITA.II)

स्वास्थ्य और परिवार कल्याण मंत्रालय
(भारतीय चिकित्सा पद्धति एवं होम्योपैथी विभाग)

नई दिल्ली 28 अक्टूबर, 2003

का. आ. 3226. — निम्नलिखित अधिकारियों ने अपनी प्रोन्नति कर दिए जाने के परिणामस्वरूप केंद्रीय सरकार स्वास्थ्य योजना, दिल्ली में चिकित्सा अधिकारी के पद का कार्यभार छोड़ दिया तथा अगले आदेशों तक रु. 10,000-325-15,200 के वेतनमान में + प्रैक्टिसबंदी भत्ता पर वरिष्ठ चिकित्सा अधिकारी के पद का कार्यभार संभाल लिया। प्रत्येक अधिकारी के नाम के सामने कार्यभार छोड़ने/संभालने की तारीख अंकित है।

क्र. सं.	अधिकारी का नाम	चिकित्सा अधिकारी का कार्यभार छोड़ने की तारीख	मुख्य चिकित्सा अधिकारी का कार्यभार संभालने की तारीख
1.	डा. आर.के. दीक्षित चिकित्सा अधिकारी (आयु)	22-8-01 (पूर्वा.)	22-8-01 (पूर्वा.)
2.	डा. (श्रीमती) किरन शर्मा चिकित्सा अधिकारी (आयु)	22-8-01 (पूर्वा.)	22-8-01 (पूर्वा.)
3.	डा. (श्रीमती) संगीता ए. दुग्गल चिकित्सा अधिकारी (होम्यो)	28-7-01 (पूर्वा.)	28-7-01 (पूर्वा.)

[सं. ए-32012/1/2002-भाचिप(स्था-1)]

एन. के. लखनपाल, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of ISM & H)

New Delhi, the 28th October, 2003

S.O. 3226. —Consequent upon their promotion, the following officers relinquished the charge of the post of Medical Officer and assumed the charge of the post of Senior Medical Officer in the pay scale of Rs. 10000-325-15200 + NPA in the C.G.H.S., Delhi, the date of relinquished/assumption charge indicated against each of the officer until further order :—

Sl. No.	Name of the officer	Date of relinquished the charge of Medical Officer	Date of assumption charge of SMO
1.	Dr. R. K. Dixit Medical Officer (Ay)	22-8-01 (F.N.)	22-8-01 (F.N.)
2.	Dr. (Mrs.) Kiran Sharma, Medical Officer (Ay)	22-8-01 (F.N.)	22-8-01 (F.N.)

3. Dr. (Mrs.) Sangeeta
A. Duggal,
Medical Officer
(Homoeo.)

28-7-01
(F.N.)

28-7-01
(F.N.)

[No. A-32012/1/2002-ISM(E-I)]

N.K. LAKHANPAL, Under Secy.

(स्वास्थ्य विभाग)

(पी.एम.एस. अनुभाग)

नई दिल्ली, 31 अक्टूबर, 2003

का. आ. 3227. — दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा 2 द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के पश्चात् एताद्वारा उक्त अधिनियम की अनुसूची के भाग 1 में निम्नलिखित संशोधन करती है, नामतः:

अनुसूची के भाग 1 में क्रम संख्या 34 तथा उससे संबंधित प्रविष्टियों के सामने निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, नामतः:

34. तमिलनाडु	मास्टर ऑफ	(क) एम.डी.एस.
डा. एम.जी.आर.	डेंटल सर्जरी,	(मुख चिकित्सा
आयुर्विज्ञान विश्व-	सक्ति डेंटल कालेज	एवं रेडियोलॉजी)
विद्यालय, चेन्नई	एवं अस्पताल,	तमिलनाडु
	चेन्नई, तमिलनाडु	डा. एम.जी.आर.
	के एम.डी.एस.	आयुर्विज्ञान विश्व-
	छात्रों के संबंध में	विद्यालय, चेन्नई।
	निम्नलिखित दन्त	(ख) एम.डी.एस.
	चिकित्सा अर्हताएं	(पीरियोडॉन्टिक्स)
	तभी मान्यताप्राप्त	तमिलनाडु
	अर्हताएं होंगी यदि	डा. एम.जी.आर.
	वे क्रमशः 9 अप्रैल,	आयुर्विज्ञान विश्व-
	2003 और 11 अप्रैल,	विद्यालय, चेन्नई।
	2003 को अथवा	
	उसके बाद प्रदान	
	की गई हों:	
	(i) एम.डी.एस.	
	(मुख चिकित्सा	
	एवं रेडियोलॉजी)	
	(ii) एम.डी.एस.	
	(पीरियोडॉन्टिक्स)	

[सं.बी.-12018/35/2002-पी.एम.एस.]

ए. के. सिंह, अवर सचिव

(Department of Health)

(PMS Section)

New Delhi, the 31st October, 2003

S.O. 3227. —In exercise of the power conferred by Sub-section (2) of Section 10 of the Dentists Act, 1948

(16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

In Part-I of the Schedule against Serial Number 34, and the entries relating thereto, the following entries shall be added, namely:—

34. The Tamil Nadu Dr.M.G.R. Medical University, Chennai.	Master of Dental Surgery The following dental qualification shall be recognised Dr.M.G.R. qualifications in respect of MDS students of Saveetha Dental College & Hospital Chennai, Tamil Nadu, when granted on or after 9th April, 2003 and 11th April, 2003 respectively :	(a) MDS (Oral Medicine & Radiology) The Tamil Nadu Dr.M.G.R. Medical University, Chennai. (b) MDS (Periodontics) The Tamil Nadu Dr.M.G.R. Medical University, Chennai.
	(i) MDS (Oral Medicine and Radiology)	
	(ii) MDS (Periodontics)	

[F.No. V-12018/35/2002-PMS]
A.K. SINGH, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2003

का.अ. 3228.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा 2 द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के पश्चात् एतद्वारा अधिनियम की अनुसूची के भाग 1 में निम्नलिखित संशोधन करती है, नामतः—

अनुसूची के भाग 1 में क्रम संख्या 47 तथा उससे संबंधित प्रविष्टियों के सामने निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, नामतः—

47. राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज, बंगलौर	मास्टर ऑफ डेंटल सर्जरी बंगलौर इंस्टीट्यूट ऑफ डेंटल साइंसेज, राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज, बंगलौर के एम.डी. सिटी ऑफ हेल्थ साइंसेज, बंगलौर में निम्नलिखित दन्त	(क) एम.डी.एस. (मुख चिकित्सा एवं रेडियोलॉजी) (ख) एम.डी.एस.
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चिकित्सा अर्हताएं तभी मान्यताप्राप्त अर्हताएं होंगी यदि वे क्रमशः 22 अक्टूबर, 2002 और 25 अक्टूबर, 2002 को अथवा उसके बाद प्रदान की गई हों:

- (i) एम.डी.एस.
(मुख चिकित्सा एवं रेडियोलॉजी)
(ii) एम.डी.एस.
(संरक्षी दंत चिकित्सा)

[सं.जी-12018/24/2002-पी०एम०एस०]
ए० के० सिंह, अवर सचिव

New Delhi, the 31st October, 2003

S.O. 3228.—In exercise of the power conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

In Part-I of the Schedule against Serial Number 47, and the entries relating thereto, the following entries shall be added, namely:—

47. Rajiv Gandhi University of Health Sciences, Bangalore.	Master of Dental Surgery The following dental qualifications shall be recognised qualifications in respect of MDS students of Bangalore Institute of Dental Sciences, Bangalore when granted on or after 22-10-2002 and 25-10-2002 respectively :	(a) MDS (Oral Medicine & Radiology) Rajiv Gandhi University of Health Sciences Bangalore. (b) MDS (Conservative Dentistry) Rajiv Gandhi University of Health Sciences, Bangalore.
	(i) MDS (Oral Medicines & Radiology)	
	(ii) MDS Conservative Dentistry)	

[F.No. V-12018/24/2002-PMS]
A.K. SINGH, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2003

का.आ. 3229.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा 2 द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के पश्चात् एतद्वारा उक्त अधिनियम की अनुसूची के भाग I में निम्नलिखित संशोधन करती है, नामतः

अनुसूची के भाग I में क्रम संख्या 34 तथा उससे संबंधित प्रविष्टियों के सामने निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, नामतः

34. तमिलनाडु डा. एम. जी.आर. आयुर्विज्ञान विश्वविद्यालय, चेन्नई।	मास्टर ऑफ डेंटल सर्जरी	(क) एम.डी.एस. (ओरल सर्जरी)
राजास डेंटल कालेज तमिलनाडु डा. एम. वाडाकंगुलम, जिला: जी.आर. आयुर्विज्ञान तिरुनेलवेलि, तमिल-नाडु के एम.डी.एस. चेन्नई।		विश्वविद्यालय, चेन्नई।
छात्रों के संबंध में निम्नलिखित दंत चिकित्सा अर्हताएं तभी मान्यताप्राप्त अर्हताएं होंगी यदि यदि वे क्रमशः 22-23 अप्रैल 2003, 24-25 अप्रैल, 2003 और 25 अप्रैल, 2003 को अथवा उसके बाद प्रदान की गई हों:		(ख) एम.डी.एस. (संरक्षी दंत चिकित्सा) तमिल नाडु डा. एम. जी.आर. आयुर्विज्ञान विश्वविद्यालय, चेन्नई।
(i) एम.डी.एस. (ओरल सर्जरी)		(ग) एम.डी.एस. (प्रास्थोडान्टिक्स) तमिलनाडु डा. एम. जी.आर. आयुर्विज्ञान विश्व-विद्यालय, चेन्नई।
(ii) एम.डी.एस. (संरक्षी दंत चिकित्सा)		
(iii) एम.डी.एस. (प्रास्थोडान्टिक्स)		

[फा०सं० वी० 12018/6/2003-पी०एम०एस०]

ए० के० सिंह, अवर सचिव

New Delhi, the 31st October, 2003

S.O. 3229.—In exercise of the power conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

In Part-I of the Schedule against Serial Number 34, and the entries relating thereto, the following entries shall be added, namely:—

34. The Tamil Nadu Dr. M.G.R. Medical University, Chennai.	Master of Dental Surgery	(a) MDS (Oral Surgery)
The following dental qualification shall be recognised in respect of MDS students of Rajas Dental College, Vadakangulam Dist: Tirunelveli, Tamil Nadu, when granted on or after 22-23 April, 2003, 24-25 April, 2003 and 25th April, 2003 respectively :		The Tamil Nadu Dr. M.G.R. Medical University, Chennai.
(i) MDS (Oral Surgery)		(b) MDS (Conservation Dentistry)
(ii) MDS (Conservative Dentistry)		The Tamil Nadu Dr. M.G.R. Medical University, Chennai.
(iii) MDS (Prosthodontics)		(c) MDS (Prosthodontics)

[F.No. V. 12018/6/2003-PMS]

A.K. SINGH, Under Secy.

पर्यावरण एवं वन मंत्रालय

(राष्ट्रीय नदी संरक्षण निदेशालय)

नई दिल्ली, 11 नवम्बर, 2003

का०आ० 3220.—भारत के राजपत्र के भाग II, खण्ड-3 उपखण्ड (ii) खण्ड में का.आ. सं. 2581 दिनांक 13-9-2003 के रूप में प्रकाशित पर्यावरण एवं वन मंत्रालय, राष्ट्रीय नदी संरक्षण निदेशालय की दिनांक 2-9-2003 की अधिसूचना संख्या के-13011/2/97-रा.नं.सं. निदे. को एतद्वारा रद्द किया जाता है।

[फाइल सं. के-13011/2/97-रा.नं.सं. निदे. II]

ए. के. सिन्हा, अवर सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

(National River Conservation Directorate)

New Delhi, the 11th November, 2003

S.O. 3230.—The Ministry of Environment and Forests, National River Conservation Directorate Notification No. K-13011/2/97-NRCD-II dated 2-9-2003 published in Part II, Section 3, sub-section (ii) of the Gazette of India as S.O. No. 2581 dated 13-9-2003 is hereby rescinded.

[File No. K-13011/2/97-NRCD-II]

A.K. SINHA, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 29 सितम्बर, 2003

का.आ. 3231.—चलचित्रिकी (प्रमाणन) अधिनियम, 1983 के नियम 43 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (7) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार फिल्म प्रमाणन अपीलीय अधिकरण (एफ.सी.ए.टी.) में सचिव श्री वी.के. शर्मा की प्रतिनियुक्ति की अवधि को 09-03-2003 से एक की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा० सं० 801/13/98-एफ०(सी)]

विश्वजीत सहाय, उप सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 29th September, 2003

S.O. 3231.—In exercise of the powers conferred by sub-section (7) of Section 5D of the Cinematograph Act, 1952 (37 of 1952) read with Rule 43 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to extend the period of deputation in respect of Shri V. K. Sharma, Secretary, Film Certification Appellate Tribunal (FCAT), for a period of one year w.e.f. 09-03-2003 or until further orders, whichever is earlier.

[File No. 801/13/98-F(C)]

VISHVAJIT SAHAY, Dy. Secy

नई दिल्ली, 22 अक्टूबर, 2003

का.आ. 3232.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 9 के साथ पठित चलचित्र अधिनियम, 1952 की धारा 5 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार श्री ए०के० श्रीवास्तव (आई.ओ.एफ.एस. 92) को केन्द्रीय फिल्म प्रमाणन बोर्ड, कोलकाता में 12000-375-16500 रुपये के वेतनमान में दिनांक 30-09-2003 (अपराह्न) से 4 वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, प्रतिनियुक्ति आधार क्षेत्रीय अधिकारी के रूप में नियुक्त करती है।

[फा. सं. 801/4/2002-एफ०(सी)]

पी.पी. नायर, अनुभाग अधिकारी

New Delhi, the 22nd October, 2003

S.O. 3232.—In exercise of the powers conferred by Sub-section (2) of Section 5 of the Cinematograph Act, 1952 read with Rule 9 of the Cinematograph (Certification)

Rules, 1983 the Central Government is pleased to appoint Shri A. K. Srivastava (IOFS : 92) as Regional Officer, Central Board of Film Certification, Kolkata in the pay scale Rs. 12000-375-16500 on deputation basis for a period of four years from 30-09-2003 (AN) or until further orders, whichever is earlier.

[No.801/4/2002-F(C)]

P. P. NAYAR, Section Officer

नई दिल्ली, 4 अक्टूबर, 2003

का.आ. 3233.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री अनुपम खेर को केन्द्रीय फिल्म प्रमाणन बोर्ड में अध्यक्ष के रूप में अवैतनिक क्षमता में दिनांक 16 अक्टूबर, 2003 से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है।

[फा० सं० 809/10/2003-एफ०(सी)]

विश्वजीत सहाय, उप सचिव

New Delhi, the 24th October, 2003

S.O. 3233.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Anupam Kher as Chairman of the Central Board of film Certification in an honorary capacity from 16th October, 2003 for a period of three years or until further orders, whichever is earlier.

[F. No.809/10/2003-F(C)]

VISHVAJIT SAHAY, Dy. Secy

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 6 नवम्बर, 2003

का.आ. 3234.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उप नियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एसन एण्ड कंपनी, नं. 11, थर्ड मेन रोड, इंदिरा नगर, अहमदाबाद, चैन्नई-600020 को जिसका मुख्य कार्यालय नं. 106, आठवां मेन रोड मलेश्वरम वेस्ट, बंगलौर-560055 में है, इस अधिसूचना

के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए चैनई से निर्यात से पूर्व खनिजों और अयस्कों, ग्रुप-I अर्थात् कच्चा लोहा, कच्चा मैंगनीज और ग्रुप-II अर्थात् फ़ैल्डस्पार, लाल आक्साइड, पीला ओकर कैल्साईड मैंगनेसाइट, स्टेटाईट और बेराइड्स के निरीक्षण हेतु वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 के साथ अनुसूची में विनिर्दिष्ट निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स एसन एण्ड कंपनी, चैनई, खनिज और अयस्क (ग्रुप-I और II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण प्रमाणपत्र देने के लिए उनके द्वारा अपनाई गई निरीक्षण की पद्धति की जांच करने के लिए इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी।
- (ii) मैसर्स एसन एण्ड कंपनी, चैनई, इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण और क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित रूप में दिए गए निर्देशों से आबद्ध होगी।

[फा०सं० 5/1/2003-ई आई एण्ड ई पी]

राज सिंह, उप सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 6th November, 2003

S.O. 3234.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises for a period of three years from the date of publication of this notification, M/s. Essen & Co., located at No. 11 Third Main Road, Indira Nagar, Adyar, Chennai-600020 and having their Head office at No. 106, 8th Main Road, Malleswaram West, Bangalore-560055, as an agency for the inspection of Minerals and Ores Group-I namely Iron Ore, Manganese Ore & Group II namely Feldspar, Red Oxide, Yellow Orche, Calcined Magnesite, Steatite & Barytes, specified in the Schedule annexed to the Ministry of Commerce Notification number S.O. 3975, dated 20th December, 1965, prior to export at Chennai, subject to the following conditions, namely :—

- (i) That M/s. Essen & Co. Chennai shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf

to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores (Group I and II), (inspection) Rules, 1965;

- (ii) that M/s. Essen & Co., Chennai in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give writing from time to time.

[File No. 5/1/2003-EI & P]

RAJ SINGH, Dy. Secy.

नई दिल्ली, 13 नवम्बर, 2003

का.आ. 3235.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 3 के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 10 जुलाई, 2002 की अधिसूचना संख्या का.आ. 723(अ) में दिनांक 7 नवम्बर, 2003 से प्रभावी निम्नलिखित संशोधन करती है :—

श्री ए. सेनगुप्त, अपर सचिव, वाणिज्य विभाग को श्री एल.वी. सप्तार्थी के स्थान पर निर्यात निरीक्षण परिषद् का अध्यक्ष नियुक्त किया जाता है।

[फा०सं० 3/5/2002-ई आई एण्ड ई पी]

राज सिंह, उप सचिव

New Delhi, the 13th November, 2003

S.O. 3235.—In exercise of the powers conferred by Section 3 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with rule 3 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government makes the following modification with effect from 7th November, 2003 in the Notification No. S.O. 723(E) dated 10th July, 2002 :

Shri Abhijit Sengupta, Additional Secretary, Department of Commerce is appointed as Chairman of the Export Inspection Council vice Shri L. V. Saptarishi.

[File No. 3/5/2002-EI & P]

RAJ SINGH, Dy. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

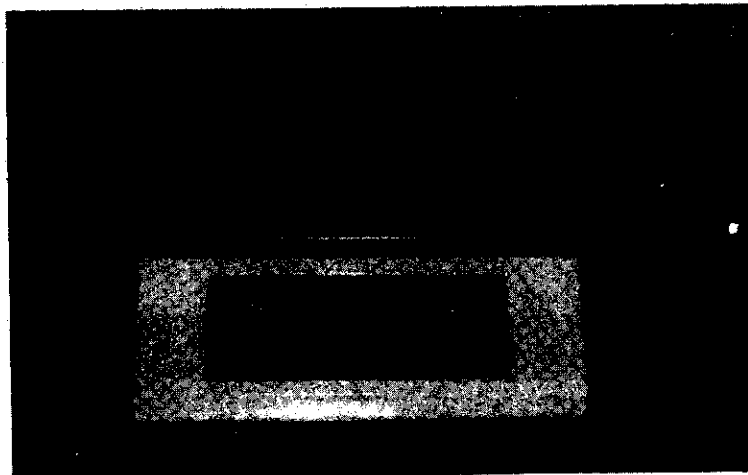
नई दिल्ली, 28 अक्टूबर, 2003

का. आ. 3236.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मकवाना इंटरप्राइज, डी/38/ए, सरदार इस्टेट रोड सं. 3, अजावा रोड, बडोदा-390019 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "एम ई-10" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम ई-टेक" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/385 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सील बन्दी की गई है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन, के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) की संख्या और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मान अन्तराल (एन) की संख्या सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 के या 5×10^3 के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(140)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

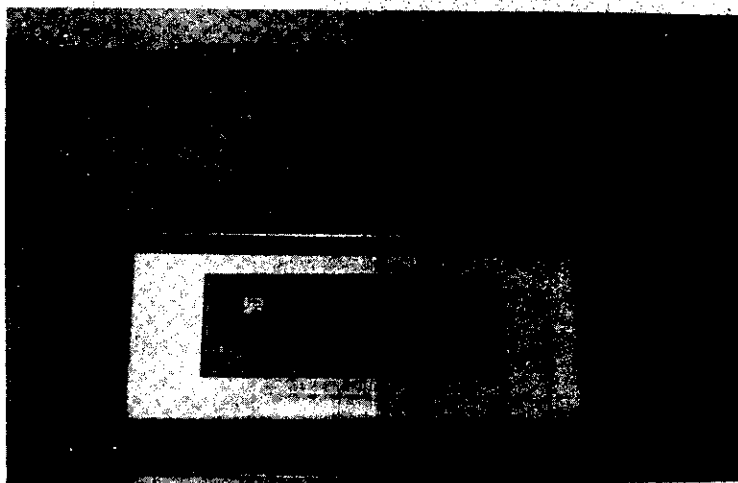
New Delhi, the 28th October, 2003

S.O. 3236.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic, (Table type) weighing instrument with digital indication of "ME-10" series of High accuracy (Accuracy class II) and with brand name "ME-TECH" (herein referred to as the Model), Manufactured by M/s. Makwana Enterprise, D/38/A, Sardar Estate Road No. 3, Ajava Road, Baroda-390019 and which is assigned the approval mark IND/09/2003/385;

The said Model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 10 kg and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval(n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval(n) in the range of 500 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(140)/2001]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

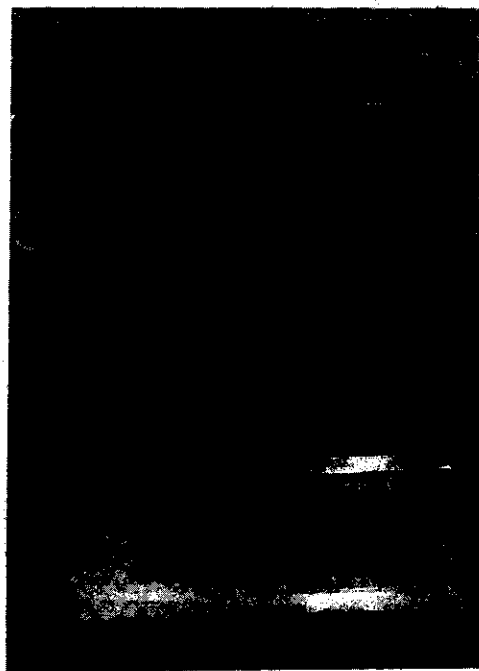
• नई दिल्ली, 28 अक्टूबर, 2003

का. आ. 3237.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मकवाना इंटरप्राइज, डी/38/ए, सरदार इस्टेट रोड सं. 3, अजावा रोड, बडोदा-390019 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एम ई टी-30" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम ई-टेक" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/386 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सील बन्दी की गई है।



और, केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन, के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए और 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) की संख्या और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) की संख्या सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^0 , 2×10^0 या 5×10^0 के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(140)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विभाग

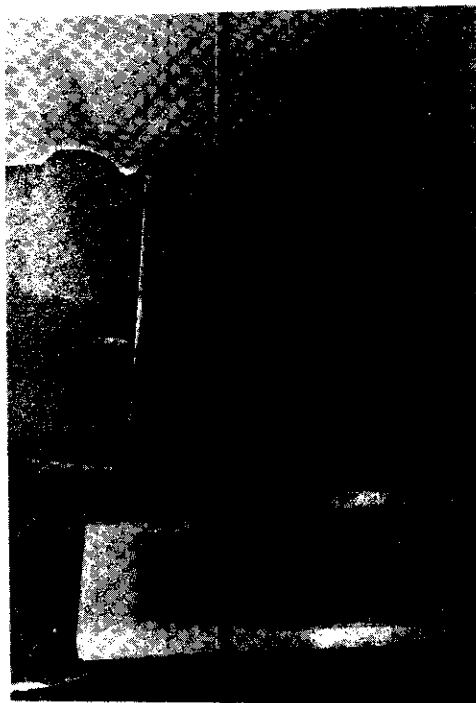
New Delhi, the 28th October, 2003

S.O. 3237.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table type) weighing instrument with digital indication of "MET-30" series of medium accuracy (Accuracy class III) and with brand name "ME-TECH" (herein referred to as the Model), manufactured by M/s. Makwana Enterprise, D/38/A, Sardar Estate Road No. 3, Ajava Road, Baroda-390019 and which is assigned the approval mark IND/2003/386;

The said model (see the figure given below) is a strain gauge load cell-based type weighing instrument with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(140)/2001]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

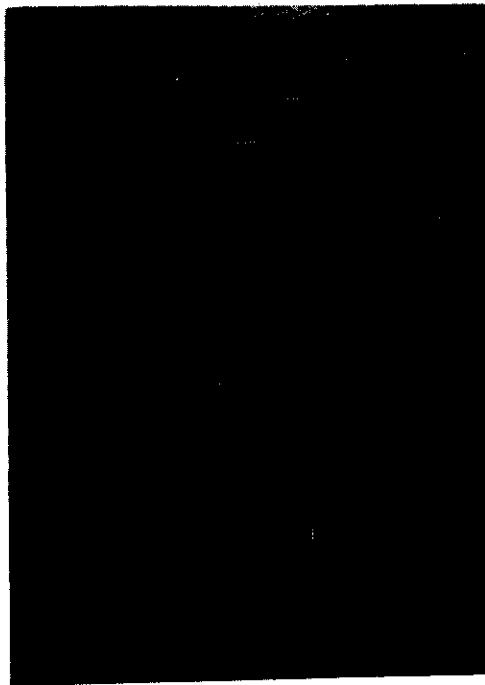
नई दिल्ली, 28 अक्टूबर, 2003

का. अ. 3238.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगतार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मकवाना इंटरप्राइज, डी/38/ए, सरदार इस्टेट रोड सं. 3, अजाया रोड, बड़ोदा-390019 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एम ई पी" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम ई-टेक" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन विह्न आई एन डी/09/2003/387 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 50 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेवतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेवतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सील बन्दी की गई है।



और, केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) की संख्या सहित 50 कि. ग्रा. से 300 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 के 5×10^6 के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(140)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

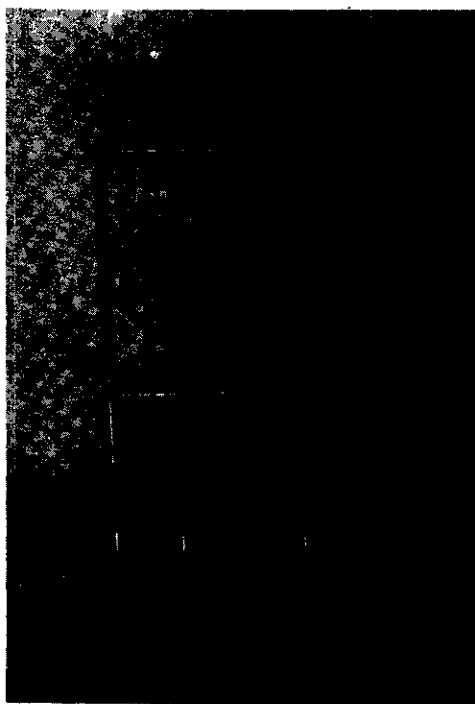
New Delhi, the 28th October, 2003

S.O. 3238.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic, (Platform type) weighing instrument with digital indication of "MEP" series of medium accuracy (Accuracy class III) and with brand name "ME-TECH" (herein referred to as the Model), manufactured by M/s. Makwana Enterprise, D/38/A, Sardar Estate Road No. 3, Ajava Road, Baroda-390019 and which is assigned the approval mark IND/09/2003/387;

The said model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 50 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity ranging from 50kg to 300kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , or 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(140)/2001]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 28 अक्टूबर, 2003

का० आ० 3239.—केंद्रीय सरकार का, निदरलैण्ड मीटिन्सटीट्यूट ह्यूगो डी गूटप्लिन 1, डोर्ड रेच नीदरलैण्ड द्वारा जारी किए गए मॉडल अनुमोदन प्रमाण पत्र के साथ विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (3) के तौसरे परन्तुक और उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए मैसर्स येनेन इंजीनियरिंग लि०, सेमेस्थिन गुनाल्ड के 5 110/3, 81070 सकुदिया इस्ताबगूल तुर्की द्वारा विनिर्मित और मैसर्स गैस प्रोक्टस (इंडिया) प्रा० लि० 17/सी, शिवशक्ति इंडस्ट्रियल इस्टेट, एल बी एस मार्ग, चाटकोपर वेस्ट, मुंबई-400086 द्वारा बिना किसी परिवर्तन या परिवर्धन के भारत में विक्रीत (सं० 112001, 0960) शृंखला के एल पी जी ईंधनवितरक के मॉडल का, जिसके ब्रांड का नाम "बी जी आफपम्पा" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/13/2003/441 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;



यह मॉडल एक एल पी जी ईंधन वितरक है जो 25 बार के अधिकतम दबाव और 1 बार के न्यूनतम दबाव के अधीन कार्य करता है। इसकी अधिकतम प्रवाह दर 60 लीटर/मिनट और न्यूनतम प्रवाह दर 6 लीटर/मिनट है। माप का सिद्धान्त धनात्मक विस्थापन है। मापित मात्रा परिमाण के लिए 7 अंकीय एल सी डी प्रदर्श पर और कीमत के लिए 5 अंकीय प्रदर्श पर उपदर्शित होती है। मापन इकाई में 0.05% के प्रक्रम में $\pm 0.5\%$ समायोजन रेंज है।

[पत्र० सं० डब्ल्यू० एम०-21(66)/2003]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विभाग

New Delhi, the 28th October, 2003

S.O. 3239.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut, Hugo de Grootplein 1, Dordrecht, The Netherlands, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to Sub-section (3) and Sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of LPG Fuel dispenser brand name PUMPA of YGM series (No. 11 2001 -0960) (hereinafter referred to as the 'Model') manufactured by Yenen Engineering Ltd, Semestir Gunalta Cad.110/3, 810070 Suadiye Istabnol, Turkey and sold in India without any alteration or additions by M/s Gas Projects (India) Pvt. Ltd., 17/C, Shiv Shakti Industrial Estate, LBS Marg, Ghatkopar West, Mumbai-400 086, and which is assigned the approval mark IND/09/2003/441;



The Model is a LPG Fuel dispenser working under maximum pressure of 25 bar and minimum pressure of 1 bar, with a maximum flow rate of 60 litre/minute and minimum flow rate of 6 litre/minute belonging to accuracy class 1. The principle of measurement is positive displacement. The measured quantity is indicated on a 7 digits LCD display for volume and 5 digits display for price. The measuring unit has an adjusting range of $\pm 0.5\%$ in steps of 0.05%.

[F. No. WM-21(66)2003]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

कोयला मंत्रालय

नई दिल्ली, 18 नवम्बर, 2003

का. आ. 3240.—केंद्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इससे पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के खान और खनिज मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 1083 (अ) तारीख 4 दिसंबर 2000 जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में तारीख 4 दिसंबर 2000 प्रकाशित की गई थी उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और उस पर के अधिकारों के अर्जन करने के अपने आशय की सूचना दी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केंद्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केंद्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और उड़ीसा सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 259.860 एकड़ (लगभग) या 105.169 हेक्टर (लगभग) माप वाली भूमि अर्जित की जानी चाहिए;

अतः केंद्रीय सरकार उक्त अधिनियम कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न उक्त अनुसूची में वर्णित 259.860 एकड़ (लगभग) या 105.164 हेक्टर (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं ;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्यांक एम सी एल/एस.ए. एम. बी/जी. एम. (सी.पी. एण्ड पी) अनंत विस्तारण/2002/26 तारीख 22 नवंबर 2002 का निरीक्षण कलक्टर अंगुल (उड़ीसा) कार्यालय में या कार्यालय नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कोलकत्ता के कार्यालय या महानदी कोलफील्ड्स लि. निगम नियोजन विभाग, जागृति विहार बर्ला, जिला संबलपुर-768020 (उड़ीसा) के कार्यालय में किया जा सकेगा।

अनुसूची

अनंत विस्तारण परियोजना

तालचेर कोलफील्ड्स (जगन्नाथ क्षेत्र)

सभी अधिकार

(रेखांक सं एम. सी. एल./एस. ए. एम. बी./जी.एम.) (सी पी एण्ड पी)/अनंत विस्तारण/02/26 तारीख 22-11-02)

क्र.सं	ग्राम का नाम	पुलिस थाना संख्या	पुलिस थाना	जिला	क्षेत्र (एकड़)	टिप्पणियां
1	अल्हाद नगर	82	तालचेर	अंगुल	124.350	भाग
2.	हैन्समुल	85	तालचेर	अंगुल	135.10	भाग
कुल				259.860 एकड़ (लगभग)		
				105.164 हेक्टर (लगभग)		

ग्राम अल्हादनगर (भाग) में अर्जित किए गए प्लॉट संख्यांक—

1 (भाग), 2(भाग), 3(भाग), 4(भाग), 10, 11, 12, 13, 14, 15, 16, 17, 18 (भाग), 19, 20, 21, 22, 23, (भाग), 24, 25 (भाग), 27 26 (भाग), 27 (भाग), 29(भाग)

ग्राम हैन्समुल (भाग) में अर्जित किए गए प्लॉट संख्यांक—

160 (भाग) 449(भाग), 450(भाग), 1686(भाग), 1687, 1700, 1701(भाग), 1702, 1716, 1718, 1719, 1720, 1721, 1722 (भाग), 1723 (भाग), 1720/5992 और 1702/6122

सीमा वर्णन :

क-ख-ग: रेखा बिन्दु "क" से आरंभ होती है जो अधिसूचना का.आ.स. 4147 तारीख 11.10.1976 द्वारा अर्जित गांव अल्हादनगर के प्लॉट सं. 2 और 3 की सम्मिलित सीमा और दामोदर पुर ब्लाक की सम्मिलित सीमा का क्रॉसिंग बिन्दु है। रेखा उत्तर की ओर बिन्दु "ख" तक जाती है फिर रेखा बिन्दु "ग" तक पूर्व की ओर जाती है जो प्लॉट सं. 13 के दक्षिण पश्चिम में है।

ग-घ-ङ तब रेखा प्लॉट सं. 13 की पश्चिमी और उत्तरी सीमा तथा प्लॉट सं. 12, 11 और 10 की पश्चिमी सीमा के साथ-साथ बिन्दु "ङ" तक जाती है। उसके पश्चात् रेखा प्लॉट सं. 10 की उत्तरी और पूर्वी सीमा तथा प्लॉट सं. 16 और 15 की पूर्वी सीमा के साथ-साथ बिन्दु "ङ" तक जाती है।

ड-च-छ: रेखा प्लॉट सं. 18 के मध्य में होकर गुजरती है और तब पश्चिमी, उत्तरी भाग से होकर प्लॉट सं. 17 की पूर्वी के साथ-साथ चलती है और पुनः प्लॉट सं. 18 में होकर गांव अल्हादनगर और हैन्समूल की सम्मिलित सीमा पर बिन्दु "च" तक जाती है और आगे उसी सम्मिलित सीमा पर बिन्दु "छ" तक दक्षिण की ओर जाती है।

छ-ज-झ: रेखा बिन्दु "छ" से गांव हैन्समूल के प्लॉट सं. 160, 449, 450, और 1723 से होकर दक्षिण की ओर बिन्दु "ज" जाती है। तब रेखा प्लॉट सं. 1718 की उत्तरी सीमा, प्लॉट सं. 1716 की उत्तरी और पूर्वी सीमा, प्लॉट सं. 6122 और 1702 की पूर्वी सीमा से होती बिन्दु "झ" तक जाती है।

ज-झ-ज-ट: रेखा प्लॉट सं. 1701 की उत्तरी भाग सीमा, प्लॉट सं. 1700 की उत्तरी और पूर्वी सीमा प्लॉट सं. 1687 की पूर्वी सीमा और प्लॉट सं. 1686 की पूर्वी सीमा से होती हुई बिन्दु "ज" तक जाती है। तब आगे प्लॉट सं. 1686, 1722, 1701 से होती हुई पश्चिम की ओर और उसके पश्चात् प्लॉट सं. 1719 की दक्षिणी भाग सीमा की ओर जाती है और पुनः प्लॉट सं. 1722 में होकर प्लॉट सं. 1724 की उत्तरी भाग सीमा और प्लॉट सं. 6434 की उत्तरी भाग सीमा से होती हुई बिन्दु "ट" तक जाती है।

ट-ठ-क: तब रेखा प्लॉट सं. 1723 में होकर पश्चिमी की ओर बिन्दु "ठ" तक जाती है जो गांव हैन्समूल और अल्हादनगर का संगम बिन्दु है। तब रेखा गांव अल्हादनगर के प्लॉट सं. 23, 25, 29, 26, 27 और 3 से होकर पश्चिम की ओर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/20/98-पी०आर०आई०डब्ल्यू०]

संजय बहादुर, निदेशक

MINISTRY OF COAL

New Delhi, the 18th November, 2003

S.O. 3240.—Whereas by the notification of the Government of India in the Ministry of Coal, S.O. No. 1083 (E) dated 4th December, 2000, issued under Sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India in Part-II, Section-3, Sub-section (ii) dated the 4th December 2000, the Central Government gave notice of its intention to acquire lands and rights in the locality specified in the Schedule appended to that notification;

And, whereas the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;

And, whereas, the Central Government after considering the report aforesaid and after consulting the Government of Orissa is satisfied that the land measuring 259.860 acres (approximately) or 105.164 hectares (approximately) described in the Schedule, appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that all rights in or over the land measuring 259.860 acres (approximately) or 105.164 hectares (approximately) described in the said Schedule are hereby acquired.

The Plan bearing NO.MCL/SAMB/GM (CP&P)/Ananta Ext./2002/26 dated 22-11-2002 of the area covered by this notification may be inspected in the office of the Collector, Angul, (Orissa) or in the office of the Coal Controller, 1, Council House Street, Kolkata, or in the office of the Mahanadi Coalfields Limited (Corporate Planning Deptt.), Jagriti Vihar, Burla, Dist. Sambalpur-768020 (Orissa).

SCHEDULE

Ananta Extension Project
Talcher Coalfield (Jagannath Area)
District : Angul (Orissa)

All Rights

(Plan No. MCL/SAMB/CGM (CP)/ANANTA EXT./2002/26 dated 22-11-02)

Serial No.	Village	P.S. No.	P.S.	District	Area in Acres	Remarks
1.	Allahadnagar	82	Talcher	Angul	124.350	Part
2.	Hensmul	85	Talcher	Angul	135.510	Part

Total 259.860 Acres (Approximately)

Or

105.164 Ha. (Approximately)

Plot numbers acquired in village Allahadnagar (Part): - 1(Part), 2(Part), 3(Part), 4(Part), 10, 11, 12, 13, 14, 15, 16, 17, 18(Part), 19, 20, 21, 22, 23(Part), 24, 25(Part), 26, 27(Part) and 29(Part).

Plot numbers acquired in village Hensmul (Part): - 160(Part), 449(Part), 450(Part), 1686(Part), 1687, 1700, 1701(Part), 1702, 1716, 1718, 1719, 1720, 1721, 1722(Part), 1723(Part), 1720/5992 and 1702/6122.

Boundary Description -

A-B-C- Line starts from point "A" which is the crossing point at common boundary of plot no. 2&3 of village Allahadnagar and common boundary of Damodarpur Block acquired vide notification S.O. No. 4107 dated 11-10-1976. The line proceeds towards north up to point "B". The line then proceeds towards east up to point "C" which is the south-west of plot no. 13.

C-D-E- Then the line moves along the western and northern boundary of plot no. 13 and western boundary of plot no. 12, 11 and 10 up to point "D". Thereafter the line proceeds along the northern and eastern boundary of plot no. 10 and northern and eastern boundary of plot no. 16 and 15 up to point "E".

E-F-G- Line passes through the middle of plot no. 18 and then over part western, northern and eastern boundary of plot no. 17 and again passes through plot no. 18 up to point "F" on the common boundary of villages Allahadnagar and Hensmul further proceeds towards south on the same common boundary up to point "G".

G-H-I- From point "G" the line moves towards south through plot nos. 160, 449, 450 and 1723 of village Hensmul up to point "H". Then the line passes over northern boundary of plot no. 1718, northern and eastern boundary of plot no. 1716, eastern boundary of plot no. 6122 and 1702 up to point "I".

I-J-K- The line proceeds over the part northern boundary of plot no. 1701, northern and eastern boundary of plot no. 1700, eastern boundary of plot no. 1687 and part eastern boundary of plot no. 1686 up to point "J", then proceeds towards west through plot nos. 1686, 1722, 1701 and 1722, then part southern boundary of plot no. 1719, again passes through plot no. 1722, part northern boundary of plot no. 1724 and northern boundary of plot no. 6434 up to point "K".

K-L-A- The line proceeds towards west through plot no. 1723 up to point "L", which is the by junction point of village Hensmul and Allahadnagar. Then the line proceeds towards west through plot no. 23, 25, 29, 26, 27 and 3 of village Allahadnagar and meets at the starting point "A".

[F No. 43015/20/98-PRIW]

SANJAY BAHADUR, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 नवम्बर, 2003

का.आ. 3241.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का.आ. 696, तारीख, 11 फरवरी, 2002, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, महाराष्ट्र राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन दहेज-हजीरा-डरान-धाबोल पाइपलाइन सेक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए, उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की राजपत्रित प्रतियां जनता को तारीख 11 फरवरी, 2003 से 4 जून, 2003 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने

का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए सभी विल्लंगमों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	खसत नं.	अर्जित क्षेत्रफल (हेक्टेयर में)	
1	2	3	4	5	
ठाणे	उल्हासनगर	चिखलोली	58/0 पी	00-01-00	
			25/3 पी	00-01-00	
			127 पी	00-10-00	
	भिवंडी	खरीवली	57/2 पी	00-11-00	
			वांदे	28/11 पी	00-01-00
			बोरीवली	48/C पी	00-01-00
			खलिंग बुद्रुक	114/5बी पी	00-06-00
			लाप बुद्रुक	38/0 पी	00-04-00
			85 पी	00-04-00	
			35/बी पी	00-31-00	
			35 ए पी	00-13-00	
			34 पी	00-20-16	
			33बी/1 पी	00-09-00	
			32बी/1 पी	00-08-00	
			32/बी/2 पी	00-13-00	
			29 पी	00-22-00	
			19/2 पी	00-12-00	
			19/1 पी	00-02-00	
			14/1 पी	00-12-00	
			16/0 पी	00-32-00	
			15/1 पी	00-00-06	
			10/1 पी	00-27-00	
			10/2 पी	00-09-00	
			148/1 पी	00-12-00	
			148/2 पी	00-12-00	
			8/2 पी	00-06-00	
			167/1बी पी	00-04-00	
			167/2 पी	00-02-00	
			139/1 पी	00-12-00	
			139/2 पी	00-11-00	
	139/5 पी	00-04-00			
	139/4 पी	00-01-00			
	139/3 पी	00-01-00			
	138/1 पी	00-05-00			

1	2	3	4	5
ठाणे	भिवंडी	लाप बुद्रुक		
			138/2 पी	00-06-00
			128/2 पी	00-08-00
			126/1 पी	00-17-00
			126/3 पी	00-22-00
			126/2 पी	00-02-00
			123/0 पी	00-53-00
			121/1 पी	00-23-00
			121/2 पी	00-12-00
			100/2 पी	00-12-00
			107/1 पी	00-30-00
			107/4 पी	00-01-00
			106/2 पी	00-02-00
			106/1 पी	00-01-00
			106/3 पी	00-08-00
			105/3 पी	00-00-10
			105/14 पी	00-00-20
			105/2 पी	00-83-00
			105/13 पी	00-04-00
		देवली	5/1 पी	00-12-00
			5/2 पी	00-20-00
			6/1 पी	00-17-00
			10/1 पी	00-23-38
			11/1 पी	00-03-00
			11/2 पी	00-18-00
			11/4 पी	00-01-00
			19/4 पी	00-17-27
			22/1 पी	00-18-00
			22/3 पी	00-30-00
			25/1 पी	00-08-00
			25/2 पी	00-05-00
			25/9 पी	00-01-00
			60/3 पी	00-07-00
			60/2 पी	00-01-00
			60/4 पी	00-03-00
			59/2 पी	00-18-00
			59/3 पी	00-14-86
			62/13 पी	00-03-00
			62/10 पी	00-05-00

1	2	3	4	5
ठाणे	भिवंडी	देवली	62/9 पी	00-07-00
			62/8 पी	00-31-00
			62/4 पी	00-25-00
			62/3 पी	00-16-00
		जांभुल मोहोली	55/9 पी	00-43-50
			55/10 पी	
		वसत सेलवली	115 पी	00-17-00
			118 पी	00-00-50
			44 पी	00-10-00
			43/5/1 पी	00-03-00
	कल्याण	आभिवली	59/0 पी	00-24-00
			58/0 पी	00-33-00
			55/0 पी	00-21-00
			52/0 पी	00-03-00
			50/0 पी	00-29-00
			24 पी	00-07-00
			25 पी	00-19-00
			21/4 पी	00-37-00
			34 पी	00-45-00
			39/2 पी	00-05-00
			40/2 पी	00-07-00
	वाडा	मुसारणे	201	00-00-90
			202	00-16-70
			201	00-15-70
			203	00-05-00
			212	00-22-00
			211	00-07-00
			213	00-25-00
			210	00-00-60
			229	00-28-90
			218	00-07-40
			228	00-11-00
			227	00-03-00
			245	00-00-50
			226	00-14-00
			225	00-02-80
			224	00-09-70
			249	00-12-00

1	2	3	4	5
ठाणे	वाडा	मुसारणे		
			262	00-36-00
			260	00-08-00
			259	00-08-30
			317	00-13-70
			318	00-07-00
			317	00-01-00
			319	00-15-00
			332	00-03-60
			331	00-18-00
			337/ए	00-40-50
			337/बी	
			337/सी	
			385	00-01-00
			384	00-05-90
			382	00-15-00
			396	00-08-00
			387/ए	00-08-00
			387/बी	
			400	00-00-50
			398	00-10-00
			381 ए	00-10-00
			381 बी	00-03-00
			379	00-07-70
			रोड	00-04-00
			347	00-10-70
			335	00-22-00
			356	00-03-40
			354	00-04-00
			353	00-13-60
			352	00-37-00
			367 बी	00-22-00
			467	00-21-00
			469 बी	00-06-80
			469 ए	00-12-00
			473 पी	00-41-50
			472	00-17-70
			481	00-14-80
			482	00-12-00
			480	00-41-60
			380 ए	00-32-00

[फा० सं० एल-14014/12/03-जी.पी.]

स्वामी सिंह, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 6th November, 2003

S.O. 3241.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 696, dated the 11th February, 2002, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Dahej-Hazira-Uran-Dhabol Pipeline Sector under National Gas Grid Project in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 11th February, 2003 to 04th June, 2003;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipeline and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area Acquired (in Hect.)
1	2	3	4	5
Thane	Ulhasnagar	Chikholi	58/0 P	00-01-00
			25/3	00-01-00
			127 P	00-10-00
	Bhiwandi	Khariwali	57/2 P	00-11-00
		Vandre	28/11 P	00-01-00
		Borivali	48/CP	00-01-00
		Khaling Budruk	114/5 BP	00-06-00
		Lap Budruk	38/0 P	00-04-00
			85 P	00-04-00
			35/ BP	00-31-00
			35 AP	00-13-00

1	2	3	4	5
Thane	Bhirwandi	Lap Budruk	34 P	00-20-16
			33B/1 P	00-09-00
			32B/1 P	00-08-00
			32B/2 P	00-13-00
			29 P	00-22-00
			19/2 P	00-12-00
			19/1 P	00-02-00
			14/1 P	00-12-00
			16/0 P	00-32-00
			15/1 P	00-00-06
			10/1 P	00-27-00
			10/2 P	00-09-00
			148/1 P	00-12-00
			148/2 P	00-12-00
			8/2 P	00-06-00
			167/1 BP	00-04-00
			167/2 P	00-02-00
			139/1 P	00-12-00
			139/2 P	00-11-00
			139/5 P	00-04-00
			139/4 P	00-01-00
			139/3 P	00-01-00
			138/1 P	00-05-00
			138/2 P	00-06-00
			128/2 P	00-08-00
			126/1 P	00-17-00
			126/3 P	00-22-00
			126/2 P	00-02-00
			123/0 P	00-53-00
			121/1 P	00-23-00
			121/2 P	00-12-00
			100/2 P	00-12-00
			107/1 P	00-30-00
			107/4 P	00-01-00
			106/2 P	00-02-00
			106/1 P	00-01-00
			106/3 P	00-08-00
			105/3 P	00-00-10

1	2	3	4	5
Thane	Bhiwandi	Lap Budruk	105/14 P	00-00-20
			105/2 P	00-83-00
			105/13 P	00-04-00
		Devali	5/1 P	00-12-00
			5/2 P	00-20-00
			6/1 P	00-17-00
			10/1 P	00-23-38
			11/1 P	00-03-00
			11/2 P	00-18-00
			11/4 P	00-01-00
			19/4 P	00-17-27
			22/1 P	00-18-00
			22/3 P	00-30-00
			25/1 P	00-08-00
			25/2 P	00-05-00
			25/9 P	00-01-00
			60/3 P	00-07-00
			60/2 P	00-01-00
			60/4 P	00-03-00
			59/2 P	00-18-00
			59/3 P	00-14-86
			62/13 P	00-03-00
			62/10 पी	00-05-00
			62/9 P	00-07-00
			62/8 P	00-31-00
			62/4 P	00-25-00
			62/3 P	00-16-00
	Kalyan	Jambul Moholi	55/9 P	} 00-43-50
			55/10 P	
		Vasat Shelavli	115 P	00-17-00
			118 P	00-00-50
			44 P	00-10-00
			43/5/1 P	00-03-00
			59/0 P	00-24-00
			58/0 P	00-33-00
			55/0 P	00-21-00
			52/0 P	00-03-00
			50/0 P	00-29-00

1.	2	3	4	5
Thane	Kalyan	Ambhiwadi	24 P	00-07-00
			25 P	00-19-00
			21/4 P	00-37-00
			34 P	00-45-00
			39/2 P	00-05-00
			40/2 P	00-07-00
	Wada	Musharane	201	00-00-90
			202	00-16-70
			201	00-15-70
			203	00-05-00
			212	00-22-00
			211	00-07-00
			213	00-25-00
			210	00-00-60
			229	00-28-90
			218	00-07-40
			228	00-11-00
			227	00-03-00
			245	00-00-50
			226	00-14-00
			225	00-02-80
			224	00-09-70
			249	00-12-00
			262	00-36-00
			260	00-08-00
			259	00-08-30
			317	00-13-70
			318	00-07-00
			317	00-01-00
			319	00-15-00
			332	00-03-60
			331	00-18-00
			337/A	00-40-50
			337/B	
			337/C	
			385	00-01-00
			384	00-05-90
			382	00-15-00

1	2	3	4	5
Thane	Wada	Musharane	396	00-08-00
			387/A	00-08-00
			387/B	
			400	00-00-50
			398	00-10-00
			381 A	00-10-00
			381 B	00-03-00
			379	00-07-70
			Road	00-04-00
			347	00-10-70
			335	00-22-00
			356	00-03-40
			354	00-04-00
			353	00-13-60
			352	00-37-00
			367 B	00-22-00
			467	00-21-00
			469 B	00-06-80
			469 A	00-12-00
			473 B	00-41-50
			472	00-17-70
			481	00-14-80
			482	00-12-00
			480	00-41-60
			380 A	00-32-00

[F. No. L-14014/12/03-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 6 नवम्बर, 2003

का.आ. 3242.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 696, तारीख, 11 फरवरी, 2002, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, महाराष्ट्र राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन दहेज-हजीरा-उरान-धाबोल पाइपलाइन सेक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा अतिरिक्त पाइपलाइन बिछाने और सहयुक्त सुविधाओं की व्यवस्था के साथ एक पाईप लाईन बिछाने के प्रयोजन के लिए, उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 नवम्बर, 2002 से 15 अप्रैल, 2003 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि-पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए सभी विल्लंगनों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	खसरा न.	अर्जित क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
ठाणे	डहाणु	दापचेरी	435	00-51-00
			486	00-01-00
			487	00-01-00
			486	00-74-00
			229	00-12-00
			485	00-34-00
			पाडा	00-02-00
			439	00-78-00
			214	00-23-00
			215	00-00-40
			439	00-53-00
			222	00-15-00
			440	01-15-00
			223	00-22-00
			224	00-27-00
			226	00-03-00
			440	00-12-00
			225	00-00-10
			239	00-00-50
			233	00-03-00
			443	00-41-00
			101	00-07-00
			पाडा	00-48-00
			175	00-45-00
			173	00-09-00
			174	00-15-00
			446	00-94-00
			247	00-04-00

1	2	3	4	5
ठाणे	ठहाणु	दापचेरी—जारी	528	00-00-80
			248	00-02-00
			446	00-01-00
			445	01-12-00
			288	00-00-90
			289	00-14-00
			290	00-31-00
			295	00-28-00
			457	00-29-00
			296	00-00-10
			297	00-14-00
			456	01-95-00
			460	00-00-90
			305	00-20-00
			460	00-02-00
			456	00-06-00
		हलदपाडा	67	00-00-10
			66	00-02-00
			68	00-15-00
			67	00-41-00
			69	00-00-10
			70	00-19-00
			77	00-39-00
			63	00-00-10
			65	00-09-00
			78	00-02-00
			89	00-07-00
			80	00-01-00
			81	00-07-00
			59	00-66-00
			53	00-00-30
			55	00-38-00
			45	00-01-00
			44	00-04-00
			46	00-64-00
			18	00-19-00
			22	00-86-00

1	2	3	4	5
ठाणे	ठहाणु	दापचेरी—जारी	19	00-32-00
			17	00-44-00
ठाणे	डहाणु	आंबोली	166	00-38-00
			171	00-00-80
			167	00-41-00
			168	00-10-00
			171	01-07-00
			170	00-06-00
			171	00-06-00
			176	00-58-00
			190	00-19-00
			178	00-17-00
			190	00-66-00
			184	00-01-00
			183	00-36-00
			190	00-01-00
			194	00-18-00
			193	00-44-00
			92ए	00-38-00
			193	00-23-00
			नाला	00-35-00
			15	00-48-00
			10	00-18-00
			15	00-36-00
			10	00-01-00
			8	00-64-00
			15	00-00-40
			11	00-01-00
			15	00-60-00
			12	00-04-00
			15	00-34-00
			19	00-78-00
			पाडा	00-09-00
			22	00-17-00
			23	00-12-00
			25	00-78-00
			27	00-05-00
			28	00-66-00
			27	00-12-00
			28	00-98-00
			30	00-00-10

1	2	3	4	5
ठाणे	डहाणु	आंबोली (जारी)	31	00-04-00
			29	00-06-00
			33	00-02-00
			37	00-00-40
			34	00-17-00
			37	01-40-00
			38	00-21-00
		घानिवरी	159	03-94-00
			202	00-01-00
			196	00-01-00
			186	01-34-00
		देवूर	65	00-20-00
			67	00-01-00
			125	00-60-00
			109	00-34-00
			125	00-25-00
			84	00-22-00
			125	00-40-00
			माला	00-03-00
			85	00-30-00
			166	00-65-00
			92	00-12-00
			166	00-11-00
			माला	00-05-00
			168	00-09-00
		ओसरविरा	62	00-07-00
			73	00-15-00
			62	00-96-00
			63	00-08-00
			62	00-12-00
			111	00-01-00
			110	00-24-00
			112	00-21-00
			115	00-60-00
			113	00-00-20
			114	00-01-00
			115	00-34-00
			62	00-24-00
			116	00-04-00
			121	00-36-00
			62	00-05-00
			43	00-05-00

1	2	3	4	5
		ओसरधिया (जारी)	43	00-18-00
			62	00-54-00
			47	00-00-10
			44	00-00-30
			62	00-*07-00
			79	00-13-00
			81	00-10-*00
			71	00-00-50
			79	01-21-00
			75	00-04-00
			76	00-09-00
			79	00-08-00
			78	02-21-00
			77	00-09-00
			87	03-27-00
			नाला	00-09-00
			86	00-03-00
			66	00-54-00
			60	00-69-00
			71	00-09-00
			59	00-22-00
			23	00-50-00
			25	00-22-00
			64	00-60-00
			66	01-07-00
			39	00-04-00
			83	00-67-00
			38	00-03-00
			81/2	00-65-00
			58	00-23-00
			54	00-02-00
			53	00-76-00
			4	00-12-00
			53	00-09-00
			68	00-19-00
			53	00-64-00
		चाबाडी	365	00-25-00
			364	00-14-00
			369	00-01-00
			370	00-22-00
			351	00-30-06
			349	00-06-00

1	2	3	4	5
		वाघाडी (जारी)	348	00-17-04
			349	00-00-30
			345	00-17-00
			331	00-10-00
			332	00-19-00
			314	00-14-00
			297	00-00-10
			289	00-07-00
			221	00-18-00
			215	00-07-00
			206	00-26-00
			205	00-09-00
		रोड		00-06-00
			40	00-27-00
			45	00-08-00
			17	00-02-00

[फाइल सं. एल-14014/12/03-जी.पी. (भाग- I)]

स्वामी सिंह, निदेशक

New Delhi, the 6th November, 2003

S.O. 696—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 696, dated the 11th February, 2002, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Dahej-Hazira-Uran-Dhabol Pipeline Sector under National Gas Grid Project in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 13th November, 2002 to 15th April, 2003,

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipeline and

thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area Acquired (in Hect)
1	2	3	4	5
THANE	DAHANU	DAPCHERI	435	00-51-00
			486	00-01-00
			487	00-01-00
			486	00-74-00
			229	00-12-00
			485	00-34-00
			PADA	00-02-00
			439	00-78-00
			214	00-23-00
			215	00-00-40
			439	00-53-00
			222	00-15-00
			440	00-15-00
			223	00-22-00
			224	00-27-00
			226	00-03-00
			440	00-12-00
			225	00-00-10
			239	00-00-50
			233	00-03-00
			443	00-41-00
			101	00-07-00
			PADA	00-48-00
			175	00-45-00
			173	00-09-00
			174	00-15-00
			446	00-94-00
			247	00-04-00
			528	00-00-80
			248	00-02-00
			446	00-01-00
			445	01-12-00

1	2	3	4	5
		Dapcheri (Cont.)	288	00-00-90
			289	00-14-00
			290	00-31-00
			295	00-28-00
			457	00-29-00
			296	00-00-10
			297	00-14-00
			456	01-95-00
			460	00-00-90
			305	00-20-00
			460	00-02-00
			456	00-06-00
		HALAD PADA	67	00-00-10
			66	00-02-00
			68	00-15-00
			67	00-41-00
			69	00-00-10
			70	00-19-00
			77	00-39-00
			63	00-00-10
			65	00-09-00
			78	00-02-00
			89	00-07-00
			80	00-01-00
			81	00-07-00
			59	00-66-00
			53	00-00-30
			55	00-38-00
			45	00-01-00
			44	00-04-00
			46	00-64-00
			18	00-19-00
			22	00-86-00
			19	00-32-00
			17	00-44-00
		AMBOLI	166	00-38-00
			171	00-00-80
			167	00-41-00

1	2	3	4	5
Thane	Dahanu	Amboli	168	00-10-00
			171	00-07-00
			170	00-06-00
			171	00-06-00
			176	00-58-00
			190	00-19-00
			178	00-17-00
			190	00-66-00
			184	00-01-00
			183	00-36-00
			190	00-01-00
			194	00-18-00
			193	00-44-00
			92A	00-38-00
			193	00-23-00
			NALA	00-35-00
			15	00-48-00
			10	00-18-00
			15	00-36-00
			10	00-01-00
			8	00-64-00
			15	00-00-40
			11	00-01-00
			15	00-60-00
			12	00-04-00
			15	00-34-00
			19	00-78-00
			PADA	00-09-00
			22	00-17-00
			23	00-12-00
			25	00-78-00
			27	00-05-00
			28	00-66-00
			27	00-12-00
			28	00-98-00
			30	00-00-10
			31	00-04-00
			29	00-06-00
			33	00-02-00
			37	00-00-40

1	2	3	4	5
Thane	Dahanu	DHANIVARI	34	00-17-00
			37	01-40-00
			38	00-21-00
			159	03-94-00
			202	00-01-00
			196	00-01-00
			186	01-34-00
		Dhever	65	00-20-00
			67	00-01-00
			125	00-60-00
			109	00-34-00
			125	00-25-00
			84	00-22-00
			125	00-40-00
			NALA	00-03-00
			85	00-30-00
			166	00-65-00
			92	00-12-00
			166	00-11-00
			NALA	00-05-00
			168	00-09-00
		OSARVIRA	62	00-07-00
			73	00-15-00
			62	00-96-00
			63	00-08-00
			62	00-12-00
			111	00-01-00
			110	00-24-00
			112	00-21-00
			115	00-60-00
			113	00-00-20
			114	00-01-00
			115	00-34-00
			62	00-24-00
			116	00-04-00
			121	00-36-00
			62	00-05-00
			43	00-05-00
			43	00-18-00
			62	00-54-00
			47	00-00-10
			44	00-00-30

1	2	3	4	5
Thane	Dahanu	OSARVIRA	62	00-*07-00
			79	00-13-00
			81	00-10-*00
			71	00-00-50
			79	01-21-00
			75	00-04-00
			76	00-09-00
			79	00-80-00
			78	02-21-00
			77	00-09-00
		Khaniv	87	03-27-00
			NALA	00-09-00
			86	00-03-00
			66	00-54-00
			60	00-69-00
			71	00-09-00
			59	00-22-00
			23	00-50-00
			25	00-22-00
			64	00-60-00
			66	01-07-00
			39	00-04-00
			83	00-67-00
			38	00-03-00
			81/2	00-65-00
			58	00-23-00
			54	00-02-00
			53	00-76-00
			4	00-12-00
			53	00-09-00
			68	00-19-00
			53	00-64-00
		VAGHADI	365	00-25-00
			364	00-14-00
			369	00-01-00
			370	00-22-00
			351	00-30-06
			349	00-06-80
			348	00-17-04
			349	00-00-30

1	2	3	4	5
Thane	Dahanu	VAGHADI	345	00-17-00
			331	00-10-00
			332	00-19-00
			314	00-14-00
			297	00-00-10
			289	00-07-00
			221	00-18-00
			215	00-07-00
			206	00-26-00
			205	00-09-00
			ROAD	00-06-00
			40	00-27-00
			45	00-08-00
			17	00-02-00

[F. No. L-14014/12/03-G.P. (Part I)]

SWAMI SINGH, Director

नई दिल्ली, 11 नवम्बर, 2003

का.आ. 3243.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि तारीख 11-11-2003 से उक्त अधिनियम दादरा और नागर हवेली राज्य संघ राज्य क्षेत्र पर लागू होगा।

[सं. ओ-12016/2/2002-ओ.एन.जी/डी-IV]

एन. सी. जाखप, अवर सचिव

New Delhi, the 11th November 2003

S.O. 3243.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) the Central Government hereby declares that the said Act shall apply to the Union Territory of Dadra & Nagar Haveli with effect from the 11th day of November, 2003.

[No. O-12016/2/2002-ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 12 नवम्बर, 2003

का.आ. 3244.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अधिनियम 1 अक्टूबर, 2003 से उत्तरांचल, झारखंड और छत्तीसगढ़ राज्यों को लागू होगा।

[सं. आर-11011/3/2001-ओ. आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 12th November, 2003

S.O. 3244.—In exercise of the powers conferred by the Sub-section (3) of section 1 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) the Central Government hereby declares that the said Act shall apply to the States of Uttranchal, Jharkhand and Chhatisgarh with effect from the 1st day of October, 2003.

[No. R-11011/3/2001-OR-1]

RENUKA KUMAR, Under Secy.

ग्राम मंत्रालय

नई दिल्ली, 27 अक्टूबर, 2003

का. आ. 3245.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या-59/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-2003 को प्राप्त हुआ था।

[सं. एल-40012/70/96-आई. आर.(डीयू)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 27th October, 2003

S. O. 3245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 59/98) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 27-10-2003.

[No. L-40012/70/96-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH****PRESIDING OFFICER : SHRI S.M. GOEL****Case No. ID 59/98**

Rajesh Kumar C/o Shri B.R. Prabhakar, 63-C, Kailash Nagar, Model Town, Ambala City.

... Applicant

VersusSr. Supdt. of Post Office Ambala Division,
Ambala Cantt.

... Respondent

APPEARANCES :**FOR THE WORKMAN : SHRI DHANI RAM****FOR THE MANAGEMENT : SHRI I.S. SIDHU****AWARD**

(PASSED ON 8-10-2003)

Central Govt. vide Notification No. L-40012/70/96-IR(DU) dated 9th of March, 1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Post Office in terminating the services of Shri Rajesh

Kumar w.e.f. 8-9-95 is legal and justified ? If not to what relief the concerned workman is entitled to ?”

2. In the claim statement it is pleaded by the applicant that he was employed as ED Mailman at Prem Nagar P.O. from 24-9-1991 in short term vacancies as and when occurred but was absorbed on regular basis for the period from 24-4-1994 to 8-9-95 with monthly salary of Rs. 997 when his services were terminated without following the provisions of Section 25-F of the I.D. Act 1947. He was not paid any retrenchment compensation and no chargesheet or notice was given to him. In his place one Shri Rakesh Kumar Gupta was appointed which is clear violation of Section 25-H of the I.D. Act 1947. He has thus prayed that he be reinstated in service with full backwages and other benefits.

3. In the written statement the management has pleaded that the applicant worked as a substitute provided by Shri Sham Sunder regular EDMP Prem nagar for himself as and when he proceeded on leave or worked vice him on leave vacancy and the applicant was never appointed by the management, therefore, there is no question of his termination by the management. It is further pleaded that when Shri Sham Sunder was promoted to post man cadre and the post of EDMP Prem Nagar fell vacant Shri Rakesh Kumar was appointed as ED Mail peon through employment exchange on regular basis in accordance with the set procedure of the department. The workman worked with the department as a substitute provided by Shri Sham Sunder up to 10-5-1995 at his responsibility. Therefore, the applicant is not entitled for any compensation or notice and compliance of Section 25 F by the department is not necessary. The Management has thus prayed for the dismissal of the reference.

4. In evidence the applicant filed his own affidavit Ex. W1 and documents Ex. W2 to W21 which are photocopies of the attendance registers. The management in rebuttal filed the affidavit of R. C. Sharma as Ex. M1.

5. I have heard the learned counsel for the parties and have gone through the evidence and record of the case.

6. The learned rep. of the workman has argued that the applicant had completed more than 240 days of service with the management in one calendar year and at the time of termination of his services, he was not paid any retrenchment compensation and no notice was also given. Therefore, the management has violated the Section 25F of the I.D. Act 1947 and the workman is entitled for reinstatement in service with full backwages. On the other hand the learned counsel for the management has argued that the applicant had worked with the Post Office Prem Nagar branch as a substitute provided by Sham Sunder in stop gap arrangement and he was not appointed by the

management at any point of time and there was no relationship of employer and employee. It is further argued that the applicant had worked as a substitute provided by Sham Sunder as ED Mail Peon and he is also not a workman under the provisions of I.D. Act 1947, therefore, there was no question to comply with the provisions of the Section 25-F of the I.D. Act 1947. He has also referred me to the case law of the Hon'ble Supreme Court reported in 96 JT (2) 467 in which it has been held by the Hon'ble Supreme Court that EDA are not workmen and I.D. Act 1947 is not applicable on the EDAs.

7. I have considered the arguments of learned rep. of the parties. It is admitted position that the applicant worked on stop gap arrangement. He was not appointed by the management and when Sham Sunder was promoted as post man, the post of EDMP fell vacant and through due procedure one Rakesh Kumar was appointed on regular basis. The management though admitted that the applicant worked during the period, but he was not appointed by the management, therefore, he is not entitled for the post. The management had appointed Rakesh Kumar through due procedure and there was no relationship of employer and employee between the management and the applicant. The workman was provided the work as substitute one Sham Sunder and he was not appointed by the management through any procedure. Therefore, the applicant is not entitled to any relief. Further more it has been held by the Hon'ble Supreme Court in the above cited authority that EDAs are not workmen and the provisions of the I.D. Act are not applicable to the EDAs. In view of this authority of the Hon'ble Supreme Court, the applicant deserves no relief. I find no merit in the reference and the same is answered against the applicant. Central Govt. be informed.

Chandigarh :

8-10-2003.

S. M. GOEL, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2003

का. आ. 3246.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हेवी वॉटर प्लांट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-2003 को प्राप्त हुआ था।

[सं. एल-42011/35/93-आई.आर. (डी. यू.)]
बी. एम. डेविड, अवसर सचिव

New Delhi, the 27th October, 2003

S.O. 3246.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial

Tribunal, Kota as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Heavy Water Plant and their workman, which was received by the Central Government on 27-10-2003.

[No. L-42011/35/93-IR(DU)]

B. M. DAVID, Under Secy.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी : श्री मणि शंकर व्यास, आर.एच.जे.एस.

निर्देश प्रकरण क्रमांक : औद्यो. न्या. केन्द्रीय-13/2003

दिनांक स्थापित : 31/3/2003

प्रसंग :—भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश सं० एल०-42011/35/93/आई०आर० (डी०यू०) दिनांक 11/3/2003

निर्देश अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

1. दी सेक्रेट्री, राजस्थान अप्रशिक्षित कर्मचारी यूनियन, रावतभाटा (राज.) 322205
2. जनरल सेक्रेट्री, भारी पानी परियोजना कर्मचारी संघ (आई. एन. टी. यू. सी.) रावतभाटा, वाया कोटा (राज.) 323305

— प्रार्थी यूनियन

एवं

दी जनरल मैनेजर, हेवी वाटर प्लांट (कोटा) रावतभाटा- 323305

— अप्रार्थी नियोजक

उपस्थित

प्रार्थी यूनियन की ओर से प्रतिनिधि : कोई उपस्थित नहीं

अप्रार्थी यूनियन की ओर से प्रतिनिधि : कोई उपस्थित नहीं

अधिनिर्णय दिनांक 29-9-2003

: अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त आदेश दिनांक 11-3-2003 के जरिये निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

"Whether the action of the management of Heavy Water Plant, Kota at Rawatbhata through the Central Office, Bombay in formulating the Productivity Linked Incentive

Scheme for all the plants in the country without taking into consideration the production of each plant individually and having discussed the issue with the recognised union functioning in the Plant is legal and justified. If not to what relief the workmen of Heavy Water Plant (Kota) at Rawatbhata are entitled?"

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपान्तर पक्षकारों को सूचना विधिक रूप से जारी की गयी।

3. आज पत्रावली पेश होने स्टेटमेण्ट ऑफ क्लेम प्रार्थी युनियन नियत थी, परन्तु ना तो प्रार्थी युनियन की ओर से कोई उपस्थित हुआ है एवं ना ही उन की ओर से स्टेटमेण्ट ऑफ क्लेम ही प्रस्तुत किया गया है।

4. प्रबन्धक की ओर से भी कोई हाजिर नहीं हुआ है। प्रार्थी युनियन को इस विवाद से सम्बन्धित नोटिस जो रजिस्टर्ड ए. डी. भिजवाये गये थे जो बाद तामील इस न्यायाधिकरण में प्राप्त हुए हैं। प्रार्थी युनियन की ओर से स्टेटमेण्ट ऑफ क्लेम भी प्रस्तुत नहीं हुआ है। इससे ऐसा प्रकट होता है कि प्रार्थी युनियन को इस विवाद में कोई दिलचस्पी नहीं रही है ना ही वह इस विवाद को आगे चलाना चाहती है। अतः प्रार्थी युनियन को स्टेटमेण्ट ऑफ क्लेम प्रस्तुत करने का अधिकार समाप्त किया जाता है। अप्रार्थी नियोजक की ओर से भी कोई उपस्थित नहीं हुआ है। अतः इन परिस्थितियों में प्रार्थी युनियन क्लेम के अभाव में कोई अनुमोद अप्रार्थी नियोजक से प्राप्त करने को अधिकारिणी नहीं रही है। उक्त निर्देश/विवाद उत्तरित तदनुसार किया जाता है जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

मणि शंकर व्यास, न्यायाधीश

नई दिल्ली, 27 अक्टूबर, 2003

का.आ. 3247.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेवल डॉकयार्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ सं. सीजीआईटी-2/93 आफ 2000) को प्रकटित करती है, जो केन्द्रीय सरकार को 27-10-2003 को प्राप्त हुआ था।

[सं. एल-14012/10/2000-आई.आर. (डी. यू.)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 27th October, 2003

S.O. 3247.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. CGIT-2/93 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Naval Dockyard and their workman, which was received by the Central Government on 27-10-2003.

[No. L-14012/10/2000-IR (DU)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT

S. N. Sandankar
Presiding Officer

Reference No. CGIT-2/93 of 2000

EMPLOYERS IN RELATION TO THE MANAGEMENT OF NAVAL DOCKYARD

The Admiral Superintendent,
Naval Dockyard,
Western Naval Command,
Shahid Bhagat Singh Marg, Fort,
Mumbai-400 023.

V/s.

THEIR WORKMEN

Mr. Bishanswarup Sirichand Karotia,
Room No.10, Pereira Wadi,
Joseph D'Souza Chawl,
Sakinaka, Mumbai-400 072.

APPEARANCES:

FOR THE EMPLOYER : Ms. D. Fernandes,
Advocate holding for
Mr. Suresh Kumar.

FOR THE WORKMEN : Mr. M. B. Anchan,
Advocate.

Mumbai, dated 15th September, 2003

AWARD

PART-I

The Government of India, Ministry of Labour by its Order No. L-14012/10/2000 IRU-LC/DU) dated 9-8-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Naval Dockyard, Mumbai in terminating the services of Mr. Bishanswarup Sirichand Karotia (Token No. 2449) an Ex-Class IV worker w.e.f. 20-1-1996 is legal and justified? If not to what relief the workman concerned is entitled?"

2. Workman Karotia was appointed as Lascor in C of Y Department of the Naval Dockyard w.e.f. 16-10-1986 and that he was confirmed on 6-7-1987. Vide Claim Statement (Exhibit-8) workman contended that he worked with sincerity and honesty and that his record was unblemished however since he fell sick he could not join duty from 6-6-1994. It is averred that the workman was not allowed to join duty without showing any reason though he was fit to resume duty from 16-8-1999, saying that he was already terminated w.e.f. 20-1-1996. It is pleaded that he was not given notice of the charge sheet and therefore his termination from 20-1-1996 is illegal. He contended that whatever inquiry held in his absence was one sided, without giving any opportunity and therefore inquiry vitiates. It is the contention of workman that he was not given copy of the inquiry report nor the removal letter and therefore the inquiry being not proper management be directed to reinstate him in service with back wages.

3. Management Naval Dockyard resisted the claim of workman vide Written Statement (Exhibit-10) contending that Karotia since remained absent from 6-6-1994 that is more than one year and six months without leave/sanction which was misconduct and therefore he was given charge sheet dated 24-5-1995 under Rule 14 of the Central Civil Service (Classification, Control and Appeal) Rules, 1960. It is contended that inspite of receiving charge sheet workman remained absent though the inquiry was adjourned from time to time. The Inquiry Officer by his report dated 12-10-1995 held him guilty for the unauthorised absence and based on the report the Disciplinary Authority terminated the workman w.e.f. 20-1-1996. It is contended that workman did not prefer appeal against the said order and that the inquiry being fair and proper does not vitiate, consequently workman's claim being ill founded be dismissed with costs in limine.

4. By Rejoinder (Exhibit-12) workman reiterated the recitals in the claim statement denying the averments in the Written Statement further contending that he was not served with charge-sheet, but also the removal order dated 1-2-1996.

5. On the basis of the pleadings Issues were framed at Exhibit-13 and in the context of preliminary issues workman Karotia filed affidavit in lieu of Examination in Chief (Exhibit-20) and closed evidence vide purshis (Exhibit-21). In rebuttal, Mrs. Govalkar filed affidavit (Exhibit-24) and the management closed oral evidence vide purshis (Exhibit-25).

6. Workman filed written submissions (Exhibit-26) and the management (Exhibit-28). On perusing the record as a whole, written submissions and hearing both the counsels I record my findings on the preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the domestic inquiry conducted against the workman was as per the principles of natural justice?	Yes
2. Whether the findings of the Inquiry Officer are perverse?	No

REASONS

7. So far domestic inquiry is concerned Their Lordships of the Apex Court in *Sur Enamel and Stamping Works V/s. Their Workmen* 1963 II LLJ SCC 367, ruled that enquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him;
- (2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges;
- (3) the employee is given a fair opportunity to cross examine the witnesses;
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (5) the Inquiry Officer records his findings with reasons for the same in his report.

According to workman Karotia due to illness he could not report to duty from 6-6-1994 and that without holding inquiry he was terminated however, by way of affidavit he had to admit that inquiry was conducted but it was one sided without giving him an opportunity. He further added that he was not given copy of the report for his say nor given the termination order. Workman admits in his cross-examination para 9 his correct address as mentioned on the letter pg. 1/Exhibit-16 and also the correspondence filed with list (Exhibit-16). When address on the correspondence referred to above was correct presumption falls that the correspondence made on that address made in the course of office was received by the workman. Mrs. Govalkar from the Department of Naval Dockyard clearly pointed out that workman vide letter pg. 1 (Exhibit-16) was apprised initially to report to duty along with fitness certificate however since he did not respond considering his long absence from duty which amounts to misconduct, charge sheet was issued to him and the inquiry was conducted by Mr. Meher. She pointed out that inspite of giving sufficient opportunity by the Inquiry Officer, workman did not turn up and therefore the inquiry was conducted Ex-parte and that copy of the report was also given to the workman and based on the report he was terminated by the Disciplinary Authority. Workman admits that he did not attend duty since June, 1994 and that he had given for the first time letter dated 10-9-1994 which indicative to show that only once workman had apprised

by the letter dated 10-9-1994 to the management. The purpose of inquiry was to ascertain as to whether the absence of the workman was unauthorised. When workman himself admits on his absence and that the said absence was without intimation therefore nothing remains to be enquired into. In this context the contention of the management that the inquiry was fair carries substance. Workman nowhere pointed out that the findings are perverse and that the Inquiry Officer has no reason to be biased against the workman.

8. On perusal the inquiry proceedings filed with list (Exhibit-16/17) in the light of the admission of the workman cross-examination para 9 that the address of the said correspondence was his correct address clearly shows that the report of the Inquiry Officer dated 12-10-1995 was sent to the workman for his say and thereafter based on the proved finding order of termination was issued. It is not that the workman was kept in dark therefore going through the record as a whole it is apparent that the workman in spite of having knowledge and information and receiving the charge-sheet did not participate in the inquiry for which the management cannot be blamed. The inquiry being fair and proper and the findings not perverse preliminary issues are answered accordingly and hence the order :

ORDER

The domestic inquiry conducted against the workman was per the principles of natural justice.

The findings of the Inquiry Officer are not perverse.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2003

का. आ. 3248.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान एरोनॉटिक्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/66 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-2003 को प्राप्त हुआ था।

[सं. एल-14012/1/2000-आई आर(डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 27th October, 2003

S. O. 3248.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. CGIT 2/66 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Aeronautics Ltd. and their workman, which was received by the Central

Government on 27-10-2003.

[No. L-14012/1/2000-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

S. N. Saundankar, Presiding Officer

Reference No. CGIT-2/66 of 2000.

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF M/s. HINDUSTAN
AERONAUTICS LIMITED

The Managing Director,

Hindustan Aeronautics Ltd.,

Nasik Division,

P.O. Ojhar Township

Niphad Taluka Nasik District, Maharashtra.

V/s.

THEIR WORKMEN

Mr. S.S. Saiyad,

At & P.O : Kokangaon,

Teh : Niphad,

Nasik (Maharashtra.)

APPEARANCES:

FOR THE EMPLOYER : Mrs. S.V. Alva,
Advocate

FOR THE WORKMEN : Mr. M.B. Anchan
Advocate.

Mumbai dated 3rd September, 2003

AWARD-PART-I

The Government of India, Ministry of Labour by its Order No. L-14012/1/2000-IR(DU) dated 19-6-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Hindustan Aeronautics Limited, Nashik in terminating the service of Shri S.S. Saiyad, an ex-Driver w.e.f. 11-12-1996 is legal and justified If not, to

2. Shri Saiyad was Driver on the management Company's bus. Vide Statement of Claim (Exhibit-5) Saiyad averred that he was employed by the Company as Driver w.e.f. 23-3-1992 and consequently he was issued gate pass on 6-10-1992. Saiyad averred that he worked more than 240 days in each year and got wages Rs. 78/- per day and in spite of that on the count of accident dated 11-12-1996 though he was not at fault, the Company discontinued him from that day and therefore his termination being contrary to the provisions of the Industrial Disputes Act and hence illegal, the Company be directed to reinstate him in service with full back wages.

3. Management Company resisted the claim of Saiyad vide Written Statement (Exhibit-7) contending that Saiyad was not employed by the Company and that Company has to observe the Recruitment Rules and Regulations therefore question of his termination by the Company does not arise. It is contended that Company is a Government of India Undertaking and since Saiyad was contract labour covered under the abolition of Contract Labour (Regulation & Abolition) Act which powers are vested with the State Government under Section 10 of the said Act, this Tribunal has no jurisdiction to entertain the reference. It is further contended that the appropriate Government for the management Company is the State Government and not the Central Government and therefore this Tribunal has no jurisdiction. It is averred that the reference is barred by the principle of resjudicata and also suffers from misjoinder of parties. The Company therefore contended since the appropriate Government is the State Government, the reference being non-maintainable, be disposed of.

4. On the basis of pleadings issues were framed at Exhibit-20. In the context of preliminary issues, both the parties vide purshis (Exhibit-33) did not lead oral evidence.

5. In so far as preliminary issues management filed written submissions (Exhibit-34) and Shri Saiyad (Exhibit-30) along with copies of rulings. On perusing the record and hearing the counsels, I record my findings on the preliminary issues for the reasons mentioned below :—

<u>Issues</u>	<u>Findings</u>
1. Whether this Tribunal has jurisdiction to decide the reference?	Yes.

REASONS

6. At the outset the Learned Counsel Mr. Alva inviting attention to the application (Exhibit-29) in the context of issues (Exhibit-20) submits that in view of the Judgment of Apex Court in Steel Authority of India Limited & Ors. Vs. National Union Waterfront Workers & Ors. the appropriate Government for the management company is the State Government and not the Central Government

therefore this Tribunal has no jurisdiction to entertain and adjudicate the reference and consequently the reference be disposed of as not maintainable. The Learned Counsel Mr. Anchan for Shri Saiyad submitted that the management Company is an Undertaking of the Central Government and it is the Central Government which exercise full control over the same, therefore the Central Government is the appropriate authority and not the State Government. He urged that issuance of licence by the State Government is no criteria to come to the conclusion that the State Government under the Circumstance is the appropriate Government. He relied on the decision of Hon'ble Apex Court in Hindustan Aeronautics Ltd & Anr. V/s. Hindustan Aeronautics Canteen Karmachari Sangh & Ors. in Civil Appeal No. 3659 of 2002 arising out of SLP (C) No. 32132 of 2001 dated 8th July, 2002.

7. Management Company is admittedly a Government of India Undertaking under the Ministry of Defence consequently Central Government exercises control and authority over the said organisation. The State Government might have issued licence under the Contract Labour (Regulation & Abolition) Act however that is not the criteria to come to the conclusion that State Government is the appropriate authority. Their Lordships in the case of instant Company, relied by Mr. Anchan, referred to above ruled that the Company being an Undertaking of the Central Government and the Central Government exercise control over the same is the appropriate authority. Therefore in view of the said decision, it is apparent that this Tribunal has jurisdiction in width to decide the reference, consequently preliminary issue is answered accordingly and hence the order :

ORDER

This Tribunal has jurisdiction to decide the reference.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2003

का. आ. 3249.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/10/2003 को प्राप्त हुआ था।

[सं. एल-40011/33/94-आई. आर.(डीयू.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 27th October, 2003

S. O. 3249.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the

Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 27-10-2003.

[No. L-40011/33/94-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU CHENNAI—104

Tuesday, the 23rd day of September, 2003

PRESENT:

V.K. THIRUNAVUKKARASU, B. Com. B.L.,

Industrial Tribunal

INDUSTRIAL DISPUTE NO. 62/1995

(In the matter of the dispute for adjudication under Sec. 10(1) (d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Supdt. of Post Offices, Salem-636005)

BETWEEN

Thiru P. Mohan Kumar,

S/o Pachiappan,

Kullalpatti (Kathuvallava)

Machery Post, Salem District-2.

AND

1. The Sub-Divisional Inspector (Postal)
Mettur Dam Sub-Division, Mettur Dam-636 401
2. Supdt. of Post offices, Salem West Division
Salem-636005.

REFERENCE : Order No. 40011/33/94 dated 4-9-1995, Ministry of Labour, Govt. of India, New Delhi.

This dispute after remand coming on for final hearing on Monday, the 8th day of September, 2003, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thirumathi S. Jothivani, advocate appearing for the Workman and of Tvl. S. Thiagarajan, D. Nandakumar and M.T. Arunan, Addl. Central Government Standing Counsel, appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal :

"Whether the action of the management of

Department of Posts is justified in terminating the services of Shri P. Mohankumar, EDDA of Mettur Division without complying the provisions of the I.D. Act, 1947 is just proper and legal ? If not, to what relief the workman entitled to ?"

2. The main averments found in the Claim Statement of the Petitioner are as follows :

The Petitioner was appointed as Extra Departmental Delivery Agent at Chamrajpet under Suramangalam H.O., with effect from 22-6-1988 vide Memo No. EFDA/11/88-89 at Mettur Dam, dated 21-6-88 issued by the Sub-Divisional Inspector, Mettur Dam on provisional basis. The petitioner was terminated from service on 15-7-1989 by the First respondent herein without assigning any reason for the termination and without any notice of termination. It is pertinent to note that the petitioner had served the department continuously without any break for 399 days and the petitioner had rendered an unblemished service to the entire satisfaction of his superiors. Again the petitioner was appointed as Extra Departmental Mail Carrier, Mallikandam B.O. under Suramangalam H.O. on a provisional basis in a clear vacancy on 1-7-1990 had was permitted to continue in that capacity till 15-6-91 without any break. The petitioner had rendered an unblemished service to the entire satisfaction of his superiors. The petitioner was terminated from service on 15-6-91 without any prior notice or without assigning any reason whatsoever and even without issue of an order of termination. The petitioner submitted representation on 27-11-91 which was not considered at all and for the legal notice issued by the Petitioner dated 9-12-91 was replied by the First Respondent by his reply and rejected the claim of the petitioner for his reinstatement. During his entire period of service on both occasions, the petitioner had rendered his duties to the entire satisfaction of his superiors, since early and loyalty and at no point of time the petitioner had come to the adverse notice of his superiors. The petitioner was terminated from service without issue of any formal orders. The termination of the services of the petitioner without any prior notice or order and without assigning any reason, whatsoever, amounts to violation of the principles of natural justice and violation of the principles enshrined under Section 25(F) of the I.D. Act, 1947, it is submitted that the respondent/management cannot terminate the services of the petitioner without assigning any valid and tenable reasons. Further, if at all the services of the petitioner were to be terminated, on the basis of any misconduct or misbehaviour the respondents ought to have given an opportunity to the petitioner to explain his case before an order of termination is passed against him and the failure will amount to violation of the principles enshrined under article 311(2) of the Constitution of India. Moreover the act of the respondents in appointing the petitioner on 26-2-1988 and terminating his services on 15-7-1989 and again appointing the petitioner

assigning any reasons or show cause shows the unfair labour practice followed by the respondents. The appointment of the petitioner on both occasions were against regular, clear vacancies and there is no administrative exigencies to terminate the services of petitioner. The petitioner is a fully qualified candidate to hold the post of Extra Departmental Agent and as such the petitioner is an eligible candidate to continue as Extra Departmental Agent. Even without admitting, assuming that the petitioner was terminated from services on any administrative grounds or exigencies, the respondents ought to have issued one month notice prior to the termination to meet the ends of justice. The respondents have not considered the case of the petitioner at any point of time either before issuing the order of termination or after the issue of the Order of termination. The petitioner preferred representation on 27-11-91, but the silence of the respondents shows the Non-consideration on the part of the respondents. The Impugned Order of the termination have been passed due to non-application of mind of the respondents and as such the Impugned order is liable to be set aside. The act of the respondents in terminating the services of the petitioner is illegal, arbitrary, violation of the principles enshrined under Articles 14, 16 and 311(b) of the Constitution of India and to violative of Section 25(F) of the Industrial Disputes Act, 1947 and to ab-initio void and as such the petitioner is entitled to continue in service with all concomitant service and monetary benefits. If this Tribunal is not pleased to pass an award of re-instatement with concomitant service and monetary benefits the petitioner will be put under hardship. It is therefore prayed that this Tribunal may be pleased to pass an award directing the respondents 1 and 2 to reinstate the petitioner as extra departmental main career at Nellikundam B.O. a/w Suramangalam H.O. Salem Divn., Salem with all concomitant service and monetary benefits till the date of reinstatement and to pass such further or other orders as may be deemed fit and proper in the circumstances of the case.

3. The main averments found in the Counter statement of the Respondents are as follows :

The second party deny all the allegations contained in the claim statement as false and made with ulterior motive except those that are expressly admitted herein and the first party is put to strict proof of the same. With regards to averments made in para. 1 and 2 of the petition, it is submitted that the EDDA, Chamrajpet so Sri. K. Kolandai Chetty, retired from service on superannuation on 21-6-88. The applicant was provisionally appointed as EDDA, Chamrajpet So w.e.f. 22-6-88. F.N. vide Memo. No. EDDA/11-88-89 dated 21-6-88 of Sub-Divl. Inspector Mettur Dam. It was clearly warned in the said memo that provisional appointment will be terminated at any time without notice and without assigning any reason. As per the recruitment procedure prevailed on that date, the Employment

Exchange was addressed to nominate candidates for the post of EDDA, Chamrajpet vide Lr. No. EDDA/11 dated 18-2-89. List from Employment Exchange (X2/13/89 dated 27-4-89) was received on 29-4-89. Five candidates were nominated by Employment Exchange. All five candidates were addressed vide EDDA/11 dated 19-6-89 to submit their application on or before 30-6-89. Three candidates responded. They were asked to appear for verification of original certificates on 15-7-89 vide Lr. No. EDDA/11 dated 8-7-89. The other two candidates who were failed to respond were also asked to appear on 15-7-89 with application and original certificates vide Lr. EDDA/11 dated 8-7-89, if they were willing. Four candidates attended on 15-7-89. Among them, Sri. V. Nagarajan was selected as EDDA, Chamrajpet So, since he secured more marks in SSLC than other and a native of Chamrajpet. Sri. V. Nagarajan joined as EDDA, Chamrajpet So on 15-7-89. The services of the applicant was terminated w.e.f. 15-7-89 after noon vide memo. No. EDDA/11 dated 15-7-89. The applicant was not nominated by the Employment Exchange. Hence his name was not considered for selection. As regards EDMC, Mallikundam So Sri. A. Pachaiappan, EDMC was discharged from service on superannuation on 1-7-90 A.N. No immediate action to fill up the post was taken, as there was a proposal to introduce mail motor service. The applicant was provisionally appointed as EDMC, Mallikundam So w.e.f. 2-7-90. a. The provisional appointment was made with the following conditions. b. Provisional appointment is tenable till regular appointment is made. Provisional appointment will be terminated without notice. c. The appointing authority reserves the right to terminate the provisional appointment without any notice and without assigning any reason. The applicant had signed the memo on 30-6-90 agreeing the above conditions. The Sub-Divl. Inspector (Postal) Mettur Dam had Addressed the Superintendent of Post offices, Salem West Division on 12-7-90 in file EDMC/15 suggesting to fill up the post on regular measure, if introduction of mail motor service do not materialise in near future. Orders were issued by Divl. office for introduction of mail motor service between Macheri and Mallikundam w.e.f. 1-8-90 vide Lr. No. G/31-Dlg. dated 26-7-90 of Superintendent of Post Offices, Salem West Division. Consequently, orders for terminating provisional appointment w.e.f. 31-7-90 AN. was issued vide memo No. EDMC/15 dated 30-7-90 by the Sub-Divl. Inspector, Mettur Dam Sub-Divn. Copy of the above memo was sent to the applicant under registered post which was received by him on 31-7-90. As the bus crew did not accept mails on 1-8-90 and in view of inability to introduce mail motor service on this line, vide phone message dated 4-8-90 of Superintendent of Post Offices, Salem West Divn. in file G/31-Dlgs. the services of the applicant was again utilised as EDMC, Mallikundam w.e.f. 6-8-90. For the period 1-8-90 to 5-8-90, bags were conveyed by mail overseer in Lr. No. EDMC/15 dt. 6-8-90 of SDI, Mettur Dam addressed

Lr. No. EDMC/15 dt. 6-8-90 of SDI, Mettur Dam addressed to the Sub Post Master, Mallikundam and copy endorsed to the Post Master, Suramangalam HO and the Superintendent of Post Offices, Salem West Division, the following direction was given.

"The services of the applicant who was provisionally appointed on the F.N. of 2-7-90 and whose services were terminated on the AN of 31-7-90 may be utilised for conveyance of bags until further communication in this regard."

As regards regular selection to the above post, the vacancy was notified to the employment exchange as per recruitment procedure prevailed on that date and the list dt. 21-3-91 of employment exchange was received on 4-4-91. 13 candidates were nominated by the employment exchange. All of them were addressed on 3-6-91 directing to appear before the Sub Divl. Inspector (Postal), Mettur Dam on 21-6-91 at Macheri SO. 9 candidates attended on 21-6-91. Applications were obtained from them and originals verified. Sri. K. Manoharan (SC) native of Macheri was selected, as he had more educational qualification than others. He joined on 17-8-91 F.N. as EDMC, Mallikundam SO. The services of the applicant was terminated w.e.f. 17-8-91 F.N. With regard to the averments made in the petition the petitioner was provisionally appointed as EDDA, Chamrajpet SO w.e.f. 22-6-88 F.N. vide memo No. EDDA/11/88-89 dated 21-6-88 of Sub Divl. Inspector (Postal) Mettur Dam in the vacancy caused by discharge of Shri K. Kolandai Chetty on his attaining the age of 65 years, as the process for regular selection of a candidate for the said post was omitted to be taken up before discharge of the said K. Kolandai Chetty. This provisional appointment was made with clear warning that provisional appointment will be terminated without notice at any time and without assigning any reason. The process for regular selection was initiated subsequently on 12-2-89 by addressing Employment Exchange to send list of candidates as per the recruitment rules prevailed at that time. From among these four candidates sponsored by Employment Exchange Shri. V. Nagarajan was selected and he was appointed. Consequently this petitioner was discharged w.e.f. 15-7-89 AN by issue of specific memo dated 15-7-89 for terminating provisional appointment. "Provisional appointment for the post of EDDA, Chamrajpet was absolutely necessary as the post could not be left unmanned till completion of regular selection process and while ordering such arrangement as a temporary measure the petitioner was made aware that it was only a provisional appointment order. The order dt. 21-6-88 as "Provisionally appointed" makes it clear that said appointment is likely to be terminated at any time. Mere his continuing in the said post on provisional appointment, for about one year does not entitle him to claim regularisation in the said post. The petitioner was appointed provisionally as EDMC, Mallikundam w.e.f.

2-7-90. His employment as EDMC, Mallikundam has no link with his earlier provisional appointment of EDDA, Chamrajpet. It was clearly mentioned in memo for provisional appointment that he should clearly understand that the provisional appointment would be terminated at any time without any notice and a copy of the said memo was signed by the petitioner on 30-6-90 in token of having understood the provisional nature of his employment. After completion of the prescribed procedure for selection of candidate for the said post from among the candidates sponsored by the Employment Exchange Shri. K. Manoharan, one of the candidate sponsored by the Employment Exchange was appointed as EDMC, Mallikundam w.e.f. 17-8-91. Naturally on appointment of the candidate selected by following regular recruitment process, the provisional appointment of the petitioner came to an end and he was discharged from the said post on the regularly selected candidate's joining the post. The petitioner's representation dated 27-11-91 was received on 2-12-91. Before taking final decision thereon a notice from Ms. S. Jothivani, Advocate on behalf of the petitioner was received by the first respondent on 10-12-91 who forwarded it to the second respondent for further action. The second respondent advised the first respondent to contact the Government Pleader in this regard. Sh. K.R. Govindan, Govt. Pleader Mettur Dam issued reply notice to Ms. S. Jothivani on 20-12-91, expressing inability to consider the petitioner's request for regularisation of his provisional appointment. Thus the petitioner's representation dated 27-11-91 was dealt with in an appropriate manner and reply was got sent to the petitioner through his advocate. It is submitted that versions of the petitioner that his service was terminated without issue of formal order, is not true. Specific order for termination was issued on 17-8-91 while discharging from the post of EDDA, Chamrajpet and it might have been omitted to be issued by the then incumbent of the post by first respondent for the reason that the provisional appointment order contained provision for terminating provisional employment at any time without notice. The petitioner was engaged on provisional basis, only after satisfying his suitability. But the procedure for regular appointment is different and appointment for the post can be made by following the said procedure. Allowing the provisionally appointed candidate in a post to continue on a regular basis without following the prescribed procedure for selection as claimed by the petitioner would be against the principles of natural justice. It was made clear to the petitioner that his employment was only a provisional appointment and his services are likely to be terminated without notice at any time the question of issuing rule for issue of one month notice prior to termination does not apply to provisional appointee as their initial appointment order itself carry the warning of termination without notice at any time. The petitioner preferred representation dated 27-11-91 to the second respondent.

first respondent. Before taking final decision thereon notice from Ms. S. Jothivani, advocate was received by the first respondent on 10-12-91 on behalf of the petitioner and the first respondent forwarded it to the second respondent for further action. The first respondent was advised on 13-12-91 to contact the Government Pleader at Mettur Dam in this regard. Shri. K.R. Govindan, Govt. Pleader Mettur Dam issued reply notice dt. 20-12-91 explaining the circumstances for terminating the services of the petitioner. The termination is in no way illegal arbitrary or violation of the principles of natural justice in as much as the provisional appointment orders carry warning about such termination from service at any time without notice. The petitioner being the provisional appointee, has no locus standi to continue on regular basis in the said post. In as much as the provisional appointment was made for continuing the public service without interruption, without following the procedure prescribed for regular appointment, it is bound to be terminated on selection and appointment of candidate by following prescribed procedure. The procedure for regular selection does not contain provision for considering the provisional appointee also as one of the candidate. There is no violation or contravention of rules in terminating the sources of the provisional appointee. The petitioner has no locus standi to claim regular appointment to the above mentioned a post. Further as per Sec. 12 note 4(A) (18) where there was inordinate delay of 7 years on the part of employee for raising a dispute refusal of Government to make a reference for adjudication of the dispute on the ground that the dispute is highly belated is just and proper. In this case, the services of the petitioner was terminated with effect from 17-8-91 F.N. and he is now raising a dispute after 9 years. Hence it is prayed that this Court may be pleased to dismiss the above petition.

4. On behalf of petitioner, Exs. W1 to W.8 were marked by consent. On behalf of respondents, Exs. M1 to M6 were marked by consent. No witnesses were examined for both sides.

5. The Point for consideration : Whether the action of the management of Department of posts is justified in terminating the services of Shri P. Mohankumar, EDDA of Mettur Division without complying the provisions of the I.D. Act, 1947 is just proper and legal ? If not to what relief is the workman entitled to ?

6. The Point : The petitioner Thiru P. Mohankumar was appointed as Extra Departmental Delivery Agent w.e.f. 22-6-88. Ex. W1 is the copy of the Appoint Order. Ex. W2 dated 17-3-90 is the copy of the letter from the respondent. Ex. W3 dt. 27-11-91 is the copy of the representation by the petitioner. Ex. W4 is the copy of the petition filed before

the Conciliation Officer, Madras. Ex. W5 dt. 21-12-92 is the copy of the reply filed by the respondent. Ex. W6 is the copy of the Rejoinder filed by the petitioner. Ex. W7 is the copy of the Failure Report. Ex. W8 is the copy of the reference made by the Govt. of India. Ex. M1 dt. 21-6-88 is the copy of the termination order issued by the first respondent. Ex. M4 dt. 17-8-91 is the copy of the relieving order issued by the respondent. Ex. M5 dt. 17-8-91 is the copy of the relieved charge report of the petitioner. Ex. M6 dt. 27-11-91 is the copy of the representation sent by the petitioner.

7. The petitioner was appointed as extra Departmental Delivery Agent w.e.f. 22-6-88. The petitioner was terminated from service on 15-7-89. Again the petitioner was appointed as extra Departmental Mail Carrier on provisional basis on 1-7-90. He was permitted to continue in that capacity till 15-6-91 without any break. The petitioner submitted a representation on 27-11-91 which was not considered. The petitioner issued a legal notice on 9-12-91. The learned counsel for the petitioner submits that the termination of the services of the petitioner without any prior notice or order and without assigning any reason amounts to violation of the principles of natural justice. He further submitted that the respondent management cannot terminate the services of the petitioner without assigning any valid reason and the act of the respondents in appointing the petitioner on 26-2-88 and terminating the services on 15-7-89 and again appointing the petitioner on 1-7-90 and terminating the services on 15-6-91 without assigning any reason is unfair labour practice followed by the respondents.

8. The learned counsel for the respondents/management submits that the petitioner was appointed purely on provisional basis and he was also not selected after following the selection process. One Mr. Nagarajan was selected purely on the basis merit. According to the respondent, the services of the petitioner was terminated as per the conditions laid down in his appointment order and the meritorious candidate Th. V. Nagarajan was appointed and that the petitioner is being appointed without due selection process and being provisional he has no legal right to question the appointment of Mr. Nagarajan. The petitioner was again appointed on 1-7-90 and he continued the post till 31-7-90. He was terminated w.e.f. 1-8-90. The learned counsel for the respondents/management submits that the termination is no way is illegal arbitrary or violative of the principles of natural justice. In as much as the provisional appointment orders carry warning about such termination from service at any time without notice. The learned counsel for the Management further submits that in as much as the provisional appointment was made for continuing the

public service without interruption, without following the procedure prescribed for the regular appointment, it is bound to be terminated on selection and appointment of a candidate by following the prescribed procedure. It is an admitted fact that the petitioner was terminated as per the conditions laid down in his appointment order. It is an admitted fact that the appointment of petitioner was merely a stop-gap arrangement which was made till a suitable candidate would be selected as per the selection procedure. As per the selection procedure, one Thiru V. Nagarajan was selected. Subsequently, the services of the petitioner was terminated. Again the petitioner was appointed on 1-7-90. He was again terminated on 1-8-90. The procedure for regular selection does not contain the provision for considering the provisional appointee also as one of the candidate. The respondents/management has proved that there is no violation or contravention of rules in terminating the services of the provisional appointee.

9. The petitioner was terminated from service w.e.f 1-8-90. It is an admitted fact that the dispute is highly belated. The petitioner has not given any reason for inordinate delay. The petitioner was appointed on a stop-gap arrangement. The petitioner was terminated as per the conditions laid down in his appointment order. Hence there is no violation or contravention of the rules in termination of the services of the petitioner. The petitioner is not entitled to claim any relief as prayed for. This point is answered against the petitioner.

10. In the result, the petitioner is not entitled to any relief as prayed for. So the action of the management is justified in terminating the services of the petitioner Thiru P. Mohankumar. Hence this Industrial dispute is dismissed. Award passed accordingly. No costs.

Dated at Chennai, this 23rd day of September, 2003.

V. K. THIRUNAVUKKARASU, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For Workman

- Ex. W-1/21-6-88 — Appointment order issued to the Petitioner-worker Thiru. P. Mohan Kumar (Copy)
- Ex. W-2/17-3-90 — Letter from Management to the Petitioner-Worker (Copy)
- Ex. W-3/27-11-91 — Representation by the Petitioner—Worker (Copy)

Ex. W-4 — 2 (A) Petition filed by Petitioner—Worker before the Conciliation Officer, Chennai (Copy)

Ex. W-5/21-12-92 — Reply filed by the Management (Copy)

Ex. W-6/27-3-96 — Rejoinder filed by the Petitioner—Worker (Copy)

Ex. W-7 — Conciliation failure Report (Copy)

Ex. W-8/ — Order of reference made by the Govt. of India (Copy)

For Management

Ex. M.1/21-6-88 — Appointment order issued to Petitioner—Worker (Xerox copy)

Ex. M-2/30-7-90 — Termination order issued to Petitioner—Worker (Xerox copy)

Ex. M-3/6-8-90 — Conveyance of Mails (Xerox copy)

Ex. M-4/17-8-91 — Relieving order issued to Petitioner—Worker (Xerox copy)

Ex. M-5/17-8-91 — Relieved Charge Report of the Petitioner—Worker (Xerox copy)

Ex. M-6/27-11-91 — Representation sent by the Petitioner—Worker (Xerox copy)

नई दिल्ली, 31 अक्टूबर, 2003

का. अ. 3250.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोल्लम के पंचाट (संदर्भ संख्या-29/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल-12012/88/98-आई. आर्. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 31st October, 2003

S. O. 3250.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 29/98) of the Industrial Tribunal Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 30-10-2003.

[No. L-12012/88/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated, this the 13th day of October, 2003)

PRESENT:

SRI C. N. SASIDHARAN, Industrial Tribunal

IN

INDUSTRIAL DISPUTE NO. 29/98

Between :

The Regional Manager,
Punjab National Bank,
26-27, Raheja Towers, M.G. Road,
Trivandrum

Management

(By Sri. S. S. Kalkkura, Advocate, Trivandrum)

And :

Shri K. Ramamoorthy,
Krishna Vihar,
Mundokkall Middle,
Kollam-I

Workman

(By Sri. P. Sudhakaran, Advocate, Kollam)

AWARD

This Industrial dispute has been referred for adjudication to this Tribunal by the Government of India by order No. L-12012/88/98-IR (B-II) dated 4-12-1998.

The issue for adjudication is the following :

“Whether the action of the management of Punjab National Bank in dismissing Shri. K. Ramamoorthy from service w.e.f. 21-6-1997 is just and proper? If not, what relief the workman is entitled to?”

2. Before initiating disciplinary proceedings against the workman Sri. Ramamoorthy, the management bank has charge sheeted him for disorderly behaviour and misappropriation of the bank's fund to the tune of Rs. 15,500/-. The workman was dismissed from the service on the basis of a domestic enquiry on the above charges. The validity of the enquiry was seriously disputed by the workman. Hence that point was considered as a preliminary issue and this Tribunal by order dated 26-11-2003 found that the enquiry is proper and valid. I shall extract below that order in full in order to understand the facts involved in this case :—

ORDER

This industrial dispute is the result of the dismissal of Sri. K. Ramamoorthy from service w.e.f. 21-6-1997 by the management of Punjab National Bank.

2. The workman Sri. Ramamoorthy is claiming reinstatement in service on the allegation that the dismissal is not sustainable. The dismissal was on the basis of a domestic enquiry. According to the workman the enquiry was not fair, proper and the enquiry officer was biased. But the management contends that the finding of guilt of the workman was arrived at by the enquiry officer on legal evidence and the enquiry was conducted fully in compliance of the principles of natural justice.

3. The case pleaded by the workman is briefly as below :-

The workman joined in the services of the management bank on 29-10-1980 as clerk-cum-cashier. He was transferred to Kollam branch on 4-10-1982. He was the state level secretary of the staff union. The whole episode started from the day when a chief manager Sri. C. K. Balram was transferred as a punishment to Kollam branch office. Since that posting was suffocative to him, he always dealt with most of the subordinate in irritative and in enmity terms. As a state level union office bearer, the workman used to remind and request the manager to avoid the method of divide and rule system adopted by him. This gave way for an everlasting enmity by the manager towards the worker and the manager was looking for a chance to take revenge upon the workman. For this purpose a chargesheet issued to the workman on 13-3-1993 alleging drunkenness. But no further step was taken on it. On 24-10-1994 while on duty in the cash section he fell unconscious at about 12.30 PM and was hospitalised. He regained conscious on the next day and then he had been informed that there is a cash shortage of Rs. 15,500/- in the bank and the same is misappropriate by him and that he was suspended for that allegation. Thereafter chargesheet was served on him. An enquiry was subsequently ordered. Though he was placed under suspension, substance allowance was not paid to him. The enquiry held was improper and against principles of natural justice. The evidence in the enquiry was not properly appreciated by the enquiry officer. The cash statement was prepared in the absence of the worker. In order to victimise the workman the chief manager concocted the story. Another charge was also framed stating misbehaviour of the worker at the residence of the chief manager. No legal evidence is recorded by the enquiry officer to arrive at finding of guilt alleged against the workman. The enquiry officer found only one of the charges proved against him but the disciplinary authority refused to concur with the findings of the enquiry officer. All actions of the management were intended to harass and humiliate the workman which amounted to unfair labour practice and victimisation. During the period of suspension the workman was illegally refused admission to appear for the promotion test and his loan application was illegally delayed by the chief manager. When he has protested, false case was alleged against him. The dismissal order was not made in compliance with provisions of

Industrial Disputes Act ('the Act' for short) and Bipartite Settlement. The Appellate Authority dismissed his appeal without recording any reasons. The workman was not given fair hearing at any time. No misconduct warranting extreme punishment of dismissal from service without notice is proved against him in the enquiry. The Chief Manager and his associate concocted entire story and the entire action is predetermined. The punishment imposed is highly extreme and disproportionate. He is the only bread winner of his family and due to his dismissal his family is pushed to suffer untold miseries and hardship. According to the workman the dismissal order is illegal and liable to be set aside and he is entitled to reinstatement in service with all benefits.

4. The case pleaded by the management is briefly as below :—The workman was appointed in the bank as clerk/cashier on 29-10-1980 and was posted at Kollam branch on 4-10-1982 on his request. He was placed under suspension following the two charges levelled against him. Apart from the above charges he was charged for coming to the office fully drunk and misbehaving with staff members. The chargesheet was clear and specific and the charges are not vague as alleged. A criminal case was also registered against him for the act of misappropriation of bank's funds as well as drunken behaviour etc. at chief manager's residence. The enquiry was held properly in accordance with the principles of natural justice and the procedural laid down in the Bipartite Settlement. The workman was assisted by the general secretary of his union and he was given reasonable time and opportunity to defend himself. The evidence was recorded in his presence and he was given ample opportunity to cross examine the witnesses and to adduce his evidence. After conclusion of management's evidence it was stated on the side of the workman that they did not propose to produce any evidence nor any witness in the matter. On that day's proceedings have been signed by the workman and his representative. He was given all necessary opportunity to put up his defence which was not availed by him. The enquiry officer after perusing the entire evidence in the enquiry came to his conclusion which is supported by legal evidence. The Disciplinary Authority after careful consideration of all records of enquiry, accepted the findings on the charge of misappropriation of Rs. 15,500 and also found the other charge proved from the evidence adduced in the enquiry. Before confirming the punishment of dismissal the workman was permitted to appear for a personal hearing and when he failed to appear he was given one more chance. Thereafter only the punishment of dismissal was imposed. There has been no violation of any of the provisions of Bipartite Settlement by the management/enquiry officer. The workman was not called for the written test for promotion as he did not apply. The chief manager has not illegally delayed the loan application of the workman as alleged.

The workman availed consumer loan earlier which was not adjusted or repaid fully. Hence he was not eligible for another consumer loan. The dismissal order was passed in accordance with the provisions of Bipartite settlement. The Appellate Authority after careful examination of the records and other points brought out by the workman, confirmed the punishment. The charges proved against him were very serious in nature and his continuance in the service would have been detrimental to the interest of the bank where public money is involved and hence warranted deterrent punishment. Therefore the punishment imposed on him is very much commensurate with the charges proved against him and the same is justified. According to the management all actions taken by them are fully legal and justified and hence the workman is not entitled to any relief.

5. In view of the rival contentions, the issue regarding the correctness of the enquiry was tried on a preliminary basis. The enquiry officer was examined as MW1 and the enquiry file and connected documents have been marked as Exts. M1 to M5. The workman examined himself as WW1.

6. The two charges levelled against the workman are briefly as below :

- (1) On 21-10-1994 at about 8.30 PM., you went to the residence of the Chief Manager fully drunk alongwith two strangers. You made an ugly scene by making noise and creating nuisance in the house when the family members were present. You also threatened of dire consequences if the loan was not sanctioned to you. At last, the police help had to be sought.
- (2) Today at about 12.30 PM., it was reported that you suddenly fell sick and had to be carried to the hospital. Immediately, the cash was counted, before further transaction, a cash shortage of Rs. 15,500 was detected. Thus you have allegedly misappropriated the Bank's funds to the extent of Rs. 15,500.

7. The main attack against the enquiry is that the enquiry officer has conducted the enquiry in violation of the principles of natural justice by not affording sufficient and reasonable opportunity to the delinquent to prove his innocence. It is also contended that he was not permitted to examine his own witnesses and not supplied all the documents required by him from the management side. Ext. M2 is the enquiry proceedings. On verification of Ext. M2 it is evidence that the workman participated in the enquiry throughout along with his defence representative who was none other than his union secretary. All the adjournments sought for on behalf of the delinquent had been readily granted by the enquiry.

officer. All witnesses examined on the side of the management had been fully cross examined by the defence representative. The delinquent and his representative had signed at the end of all days' proceedings during the enquiry without any protest or objection. There is nothing in Ext. M2 to show that the workman and his representative have raised any kind of objection against the procedure adopted in the enquiry or against the enquiry officer. The workman as WW1 has admitted before this court during his cross examination that his representative had undertaken in the enquiry that list of witnesses and documents would be submitted before 9-3-1996 and the adjournment sought thereafter on personal reasons was also granted by extending three weeks time. On 9-4-1996, after the evidence on the side of management was closed, the enquiry officer ordered defence to produce list of documents/witnesses. But the defence representative submitted that they did not propose to produce any evidence nor any witness in this matter. Hence the enquiry proceedings have been closed and both sides were asked to submit written statement if any. The delinquent and his representative had signed on all the pages on that days proceedings. The workman has admitted before this Tribunal while giving evidence that he has not given any written submission before the Disciplinary Authority or the Appellate Authority as to such and such records or such and such witnesses he wanted to examine. In the claim statement filed before this Tribunal also he has admittedly not stated as to who are the witnesses and which are the documents he wanted to rely in the enquiry. When a specific question was asked to the delinquent by the learned counsel for the management as to what were the documents which he wanted to examine in addition to the documents already produced by the management in the enquiry, he has not given specific answer but only stated that the findings of the enquiry officer is against the evidence in the documents produced in the enquiry. He has further admitted that in addition to the documents in the enquiry he has not demanded any other records. It is thus clear from the above that the present argument advanced on behalf of the workman that he was not afforded sufficient opportunity to verify the records and to adduce his evidence is against facts. On the other hand it is evident from Ext. M2 proceedings that the enquiry has been conducted fully in compliance with the principles of natural justice.

8. The next contention is that in the enquiry the statement of witnesses have been recorded by stenographer in shorthand and it is subsequently typed and pasted in Ext. M2 register. Therefore he and his representative could not fully understand the statement of witnesses and without fully understanding both of them had put signature in the pages of Ext. M2. It is also contended that as the statement of witnesses on the side of the management had been recorded in shorthand the

delinquent and his defence representative could not cross examine those witnesses fully as he could not fully understood the statements. It is noticeable that the enquiry proceedings had been recorded in English as requested by the delinquent. On going through Ext. M2 proceedings it is evident that whenever the delinquent and his representative wanted to understand the chief examination of witness before starting cross examination, it was read over to them and thereafter only cross examination was done. Further except one day's proceedings when the chief manager Sri. Balram was examined, the delinquent or his representative never sought for any adjournment for understanding the chief examination of witness before starting cross examination. Without raising any objection all the witnesses were fully cross examined and the delinquent and his representative had put signature also at the end of every day's proceedings. The workman has admitted before this Tribunal that he had put signature in all pages of the enquiry proceedings after reading and understanding. He has also stated that he has not given any written complaint to the enquiry officer or anywhere that the enquiry officer has omitted to record any particular portion of the statements of any witnesses. For the foregoing reasons the present argument is devoid of merit.

9. The next point to be looked into is regarding the findings of the enquiry officer. According to the delinquent the enquiry officer was biased and his findings are not supported by legal evidence and hence perverse. The allegation of bias has not been substantiated and there is nothing on record to substantiate this contention. The enquiry officer while giving evidence before this Tribunal as MW1 has not been asked any single question with regard to bias. Ext. M1 file contains the report of the enquiry officer. The allegations against the delinquent are two fold out of which the enquiry officer has exonerated the workman of charge No. 1 which is drunkenness and unruly behaviour towards the chief manager at his residence. The enquiry officer has considered the evidence in detail and found that this charge is not proved. He has recorded his reasonings at pages 18 and 19 of his report. The Disciplinary Authority on the other hand found that the workman is guilty of charge No. 1 as well. But the reasonings recorded by the Disciplinary Authority against the finding of the enquiry officer are not at all sufficient to establish the charge against the delinquent other than what is rightly held by the enquiry officer.

10. The second charge is misappropriation of bank funds to the tune of Rs. 15,500/- by the workman while working as cashier on 24-10-1994. On that day while holding charge of cashier he fell sick at 12.30 PM, and was admitted in hospital. Thereafter Miss. V. Jayasree was put in charge of cashier and she has deposed in the enquiry that after taking charge at 12.30 PM she counted cash and found difference of Rs. 15,500 as shortage which was reported to the manager. According to her statement the

manager had asked another clerk/cashier Sri. Jacob Luke to recount the cash and after recounting Sri. Jacob Luke also found the shortage of Rs. 15,500/-. At the time of closing in the evening also the difference in cash was found to be the same. Miss Jayasree has further stated that the difference was noted in Ext. M3 Cashier's Log Book. Ext. E3 in the enquiry is the letter submitted by Miss Jayasree to the chief manager on 24-10-1994 wherein it is stated that after taking charge at 12.30 PM she has checked the cash at that time and found that a shortage of Rs. 15,500. The statement of this witness is supported by the statement of Sri. Padmanabhan who was officer incharge of cash. Again Sri. S.A. Rahim Cash peon has also given supporting evidence.

11. There is no dispute regarding the shortage of cash to the extent of Rs. 15,500/- on that day. This is also evident from Exts. M3 to M5 registers such as Cashier's Log Book, cash balance book and cash reserve register on 22-10-1994 and 24-10-1994. There is no allegation of enmity to the delinquent by Miss Jayasree, S/s. Padmanabhan and Rahim. There is also no case on the side of the delinquent that these 3 persons have acted on inspiration of chief manager Sri Balram against whom there is an allegation of enmity towards the workman, about which I will discuss later in this order. Admittedly the delinquent was on duty till 12.30 PM on 24-10-1994 and thereafter Miss Jayasree took over charge as cashier. After taking charge the entire cash was counted and the shortage was found. The enquiry officer in para 20 of his report has stated the circumstances regarding the possibility of taking Rs. 15,500/- out of the branch. Witness Sri Padmanabhan has deposed about the visitor who came in search of the workman on that duty and other circumstances. The delinquent being the cashier incharge on that day is accountable and responsible for the cash shortage. It was also proved that the delinquent was badly in need of money and has applied for a loan which was not sanctioned. The circumstances that a person visited the delinquent and his conversation with that visitor after coming out of the cash cabin before his reported falling unconscious were considered in detail by the enquiry officer before arriving at his conclusion. By going through the report of the enquiry officer and the statement of witnesses and documents it is abundantly clear that charge No. 2 has been proved and the findings of the enquiry officer are fully supported by legal evidence. The findings cannot be said to be perverse on any ground.

12. On behalf of the workman it is now contended that the management bank has not followed the procedure stated in the Books of instructions while counting cash after the workman fell ill on 24-10-1994. It is argued that on such occasions the entire registers had to be changed before another cashier is put incharge but in the present case the same registers had been used. The argument is that because of that much prejudice has been caused to

the workman. According to the management there is no such Book and the workman has not taken any steps to call for such a Book or to produce the same. As stated above there is no dispute regarding shortage of the amount in question which has been recorded rightly in Exts. M3 to M5 registers. There is another contention that in Ext. M3 Cashier's Log Book the figures after counting cash have recorded by somebody other than Miss Jayasree and that shows that the entries have been fabricated to trap the workman. Miss Jayasree has admitted that the entries had been recorded by another employee but she had put her signature below the entries in token of acceptance. According to the learned counsel for the workman closing of cash was done in the evening only on 24-10-1994 and in between 12.30 PM and evening several persons have handled cash and therefore the workman cannot be made liable for the shortage. But Miss Jayasree has categorically deposed in the enquiry and also made clear in her Ext. E3 letter that after taking charge at 12.30 PM she has counted the entire cash and found the shortage. Further it is quite unbelievable that a person while taking charge as cashier will not count the entire cash and failed to verify all the transactions till that time. The statements given in the enquiry by other witnesses also fully supports the counting of the cash immediately after Miss Jayasree taken charge as cashier. Therefore this argument is also devoid of merit.

13. Now remains the allegation of enmity towards the workman by the chief manager Sri. Balram for the entire episode as alleged by the delinquent. It is stated in the claim statement that Sri Balram was transferred and posted to Kollam branch as a punishment which was suffocative to him and because of that he was very much irritative towards subordinates and in enmity terms due to such punishment posting. It is also stated that the workman as state level union officer used to remind and requested the manager Sri Balram about his attitude in the bank which give way for an everlasting enmity by Sri Balram towards the worker and Sri. Balram was looking for an opportunity to take revenge upon the workman. It is not stated in the claim statement on what date Sri. Balram was posted at Kollam branch. The incident in question occurred on 24-10-1994. The workman has deposed before this Tribunal that he was the union official before 1988. The workman has no case that Sri Balram was the manager before 1988. So when the incident occurred and even six year before that, he was not any union official and he had no occasion of making complaints to the chief manager in that capacity. So the very basis of this allegation that the chief manager was enmity towards the workman for making complaints as union official false on the ground. It is also noticeable that while examining the chief manager in the enquiry not a single question was asked to him regarding the alleged enmity. There is also no other evidence to substantiate the allegation against the chief manager. It is also specific

to note that the chief manager also accompanied the workman to take him to the hospital on 24-10-1994. The allegation of victimisation is also not at all substantiated. There is nothing on record to show that the chief manager and his associate concocted the entire story against the workman as alleged. It is also difficult to believe that the chief manager can concoct false charges against an employee in the bank now a days when the unions of bank employees are very much alert and active in protecting the welfare and interest of their members. The allegation of the delinquent is also not proved. In the absence of any evidence regarding the alleged enmity, the present contention that the whole episode is the handy work of chief manager to wreck vengeance against the workman is not at all sustainable. On the other hand it can only be considered as an after thought to escape from the present guiltiness proved against him.

14. In view of the above discussion, I hold that the enquiry has been conducted fully adhering to the principles of natural justice and the findings of guilt entered by the enquiry officer are proper, valid and fully supported by legal evidence.

III. The point now remains for consideration is regarding the propriety of punishment of dismissal inflicted by the management. In the enquiry, as held by me above, the workman was found guilty of the charge of misappropriation of Bank's money which is a grave offence. The Bank is dealing with the money of customers and the confidence of the customers and the management in the workman who was cashier at the time of incident is very much important. According to the management it lost confidence in the workman and his continuance in the service of the Bank will definitely affect the banking business itself. No doubt according to the workman the action of management is to victimise him and that the amount allegedly misappropriated by him has already been adjusted from the loan amount applied for by him and thereby no loss was caused to the Bank. The punishment according to him is disproportionate and highly excessive. But the offence proved against him is very much grave and warranting extreme punishment particularly on the ground that the management is a banking institution. The allegation of victimisation due to enmity of Manager of the bank towards the delinquent was already considered by this Tribunal and found in the negative. The question whether any loss was caused to the management Bank is not relevant as the charge of misappropriation was already proved. Further the workman was chargesheeted on two earlier occasions by chargesheets dated 13-5-1993 and 16-6-1997 for the alleged acts of coming to office fully drunk, obstructing officers in their work, abusing and threatening to finish the life of one officer and attempting to physically

assault him. As the workman apologised and assured that such incidents would not happen again, the management forgave him by dropping those charges. But the workman again committed offence. On a consideration of the totality of facts and circumstances I have no hesitation to hold that the punishment of dismissal inflicted by the management is only commensurate with the gravity of misconduct proved against him. There are no extenuating circumstances also to interfere with the same and hence no interference is called for from this Tribunal.

IV. The law laid down by various courts on this point is also fully justifying the action of management. The High Court of Karnataka in *Bank of India V. Padmanabhadu and another*, [95 (1) LLJ 233] has considered the same question. In that case cashier of bank was dismissed from service on charge of misappropriation and the court held that repayment would not absolve liability or misconduct of the workman. It was further pointed out in para. 6 that the Bank is the custodian of the money of the customers and the cashier is a person who deals with money and he must be more diligent and honest and justify the trust reposed in him by the Bank and the customers. It was also pointed out that if once customers lose confidence in the dealings, the entire organisation suffers and confidence of the customers is the basis on which the entire edifice of the banking system is built.

The Supreme Court in *B.C. Chaturvedi V. Union of India and others* [96 (1) LLJ 1231] has considered the case of Income Tax Officer who was dismissed from service for the charge of possession of assets disproportionate to his known source of income. While considering the punishment question the court pointed out that the High Court/Tribunal in its power of judicial review does not act as an appellate authority and not justified interfering with the punishment imposed by the disciplinary authority, unless the punishing imposed shocks the conscience of the Court/Tribunal.

The Supreme Court in *S.V. Panvalkar V. Bank of India*, Considered the case of termination of the service of Secretary of Co-operative Housing Society of the Bank on the ground of loss of confidence. In para. 5 of the judgement it was held that the appellant in that case being a Grade III Officer in the bank was required to deal with the customers and therefore if the bank thought it fit to terminate the service of the appellant on the ground of loss of confidence, such an action could not be said to be unwise or mala fide action.

The High Court of Kerala in *Babyvijayan V. Industrial Tribunal and another* [99 (2) LLJ 155] considered the case of dismissal of an employee from service of a Nationalised bank for misappropriation. In paras 4 and 5 of the judgement the court held that past record in such

cases has no relevance and the question whether bank sustained loss also is not relevant in such cases.

The Supreme Court again in *Janatha Bazar V. Secretary* [(00) 7 SCC 517] considered the scope of judicial review under Sec. 11-A of the Act in a case where the charge of misappropriation of goods was established in the domestic enquiry against the delinquent employee who was working in a Central Co-operative Wholesale Store. The employer dismissed the employee and the Labour Court substituted another punishment. The Supreme Court in para 8 of the judgement pointed out that in case of proved misappropriation there is no question of considering past record that it is the discretion of the employer to consider the same in appropriate case but the Labour Court cannot substitute the penalty imposed by the employer in such cases.

The Supreme Court in *Karnataka Road Transport Corporation V.B.S. Hullikatti* [01(2) SCC 574] while considering the dismissal of a bus conductor for the misconduct of collecting more amount as ticket fare. In that case the Labour Court set aside the punishment of dismissal and directed reinstatement with full backwages. The Supreme Court pointed out that misplaced sympathy by the Labour Court in such cases is not called for and confirmed the order of dismissal.

V. In the result, an award is passed holding that the action of management of Punjab National Bank in dismissing Sri. K. Ramamoorthy from service with effect from 21-6-1997 is just and proper and hence he is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the Management

MW1. Sri. G. Somasekharan.

Documents marked on the side of the Management

Ext. M1. Enquiry report and correspondence

Ext. M2. Enquiry proceedings

Ext. M3. Cashier's Long Book

Ext. M4. Cash balance book

Ext. M5. Cash reserve register.

Witness examined on the side of the workman

WWI. Sr. K. Ramamoorthy.

नई दिल्ली, 31 अक्टूबर, 2003

का. अ. 3251.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केरला मिनरल्स

एण्ड मेटल्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोल्लम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल-29011/2/2000-आई. आर.(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 31st October, 2003

S. O. 3251.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kerala Minerals & Metals Ltd. and their workman, which was received by the Central Government on 30-10-2003.

[No. L-29011/2/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL,
KOLLAM

Dated, this the 10th day of October, 2003)

PRESENT:

SRI C. N. SASIDHARAN

INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE NO. 52/00

Between

The Managing Director
Kerala Minerals and Metals
Ltd., Sankaramangalam,
Chavara, kollam.

(M/s. Menon & Menon,
Advocates, Kochi)

Management

And

(1) The General Secretary, Titanium
Complex Employees Union, Unions
Chavara, Kollam.

(By Sri Sooranad P.R. Raveendran Pillai,
Advocate, Kollam)

- (2) The General Secretary, Titanium Complex Employees Congress, INTUC Bhavan, Chavara P.O. Kollam.

(By Sri G. Haridas, Advocate, Kollam)

- (3) The General Secretary, K. M. M. Titanium Employees Union, Chavara, Kollam
(EX-parte)

AWARD

The Government of India by Order No. L-29011/2/2000/IR(M) dated 31-5-2000 have referred this Industrial dispute for adjudication to this Tribunal.

The issue for adjudication is the following :

“Which are the additional higher qualifications which can be considered by the management of Kerala Minerals and Metals Ltd. for granting of one additional increment as per article XII of the 3rd L.T.S. dated 27-6-1997 arrived at between the management of Kerala Minerals & Metals Ltd. Chavara and their Unions?”

2. Union nos. 1 and 2 alone are contesting the case. The case pleaded by these unions are briefly as under: The management is an undertaking of Government of Kerala. The service and wage conditions of its employees are governed by Long Term Settlements (LTS for short) entered into between the management and unions. On 27-5-1997 3rd LTS was entered into which was ordered to be implemented by the Government Orders. As per article XII of the LTS those workmen who acquired additional higher qualification while in service of the company which is related to their area of function which can contribute for their better performance will be given one additional increment from the date of passing of the respective approved course of production of certificate effective from date of signing in the past cases. Though several workmen who accrued such higher additional qualifications while in services had applied for additional increment along with their respective service, they were not given benefit of one additional increment and thereby the management violated the said article. Further the management has also published notice inviting application with documentary proof on or before 10-12-1997. So many qualified workers presented their claim. But the management did not consider the claims. The action of the management is unfair labour practice which is because of the pressure and influence of a major union on the management. There is no justification on the part of the management for the non implementation of the terms of the said settlement. Further case is that of the workmen represented by these unions who acquired

additional qualifications have to be considered for the benefits stated earlier.

3. The case pleaded by the management is briefly as under : The management is a wholly owned Government Company. The present dispute relates Titanium Dioxide Pigment Unit (TDP unit) on the management. Besides this unit which is a factory registered under the Factories Act the management owns Mineral Separation Unit (MS unit) which is a mine within the purview of Mines Act. The Unions representing the workman in the TDP unit submitted charter of demand for arriving at full-fledged 3rd Long Term Settlement. The company accordingly appointed Sri. M. Narayana Pillai for submitting a report. After considering that report on discussion with the union the 3rd LTS was reached. As per the recommendation of Sri Narayana Pillai it was proposed to allow one additional increment to these workmen who acquired additional qualifications such as degree in Engineering, MBA which contribute to their better performance. Accordingly the management directed employees under the above category to submit applications. The employees who had acquired qualifications like SSLC etc. had also applied claiming additional increment. There was difference of opinion and hence the management could not proceed in the matter further. There is no justification for claiming additional increment for workmen who acquired qualifications which are not at all related to their area of function. In the case workmen on the non technical areas, the qualifications specified by the company for higher posts for direct recruitment of candidates alone can be accepted as qualification for additional increment. Higher posts for this purpose should mean higher post in ones/own line in which upon recruitment is resorted. On the technical side the qualifications which are relevant will be Engineering Degree/Diploma and ITI qualification in the relevant area with regard to unskilled workers. The management is unable to extend the monetary benefit in question as the parties could not agree on the nature of qualifications which are to be considered for this purpose. The particular clause in the settlement is intended for the benefit of the management as well as workmen. Union cannot be allowed to claim for granting additional increment to those who acquired qualifications which are in no way beneficial to the management. Some of these workmen have not obtained any professional qualification relevant to their area. The management is ready and willing to grant monthly allowance of an amount equal to one increment to employees who satisfy the requirements. The management denies all other allegations made by the unions.

4. The secretary of union No. 1 has filed proof affidavit and was cross examined as WW1. The general secretary of union No. 2 has also filed proof affidavit and was cross examined as WW2. Exts. W1 to W7 have been marked on the side of the unions. The manager, Human Resources Development of the management company has given evidence as MW1 after filing proof affidavit. Exts. M1 to M4 have also been marked on the side of management.

5. The dispute is regarding non-payment of additional increment as per Article-XII of Ext. W1 Memorandum of settlement entered into between the management and the workmen involved in this dispute. Article-XII reads thus:

Additional increment for acquiring additional qualification

“Those workman who acquire additional higher qualification while in the service of the company which is related to their area of function which can contribute for their better performance will be given one additional increment from the date of passing the respective approved course on production of certificate. Effective from date of signing in past cases.”

6. According to the management Article-XII has been included on the basis of recommendation of Sri M. Narayana Pillai who was appointed as Commission for studying and to propose suitable revised scales of pay and connected aspects for the workmen. Report of Sri Narayana Pillai has been marked as Ext. M1. The relevant provision with regard to the increment stated in para, 21.43 of Ext. M1 reads thus:

Advance increment for acquiring additional qualifications.

“Those workers who acquire additional qualifications such as Engineering Degree, MBA, which contribute to their better performance, may be given one advance increment, from the date of passing the respective examinations, on production of the certificate. This will take effect from the date of signing the agreement. Those already possessing these qualifications will also be allowed the benefit from the same date.”

The contention of the unions is that Ext. M1 recommendation is not applicable in the present dispute as Ext. M1 recommend advance increment and not additional increment as stated in the issue under reference.

It is also contended that Ext. M1 report was not made available to the unions and it was not discussed before arriving at Ext. W1 settlement. Admittedly Ext. W1 settlement was signed by the representatives of the unions in this dispute. In Ext. W1, under the caption short recital of the case, it is stated that the report of Sri Narayana Pillai issued to the unions and the issues were discussed in detail during several discussions. Further a reading of the recommendation of Sri Narayana Pillai quoted above and Article-XII show that the only difference is that Ext. M1 recommends advance increment and Ext. W1 settlement provides additional increment. There is nothing much difference. It is also noticeable that the conditions stipulated for getting increment in Exts. M1 and W1 are similar. Therefore, the contention that Ext. M1 recommendation has no application here is devoid of merit.

7. Both sides have not adduced any evidence regarding the category of posts in the company with the qualifications required. However, it has come out in evidence through the general secretary of union No. 1 as WW1 that the lowest category is worker Gr.II, which is unskilled. IVth standard is the basic qualification for the post. The posts above that is skilled category which are junior technician and junior operator. The qualification for junior operator is FTI, Diploma in Chemical Engineering or BSc in Chemistry. For the post of junior technician category, ITI or Diploma is the qualification. Above that there are C Gr., B Gr. and A Gr. As per Article-XII of Ext. W1 eligibility for getting additional increment is to acquire additional higher qualification which should relate to area of function of a worker and the qualification should be approved one. According to the unions though the workmen involved in this dispute acquired the necessary qualifications and submitted certificates, management did not sanction additional increment due to the opposition of 3rd union. But according to the managements additional increment could not be sanctioned because there was no consensus between the unions and that resulted non implementation of the said article. Union No.2 in Annexure to the claim statement filed before this Tribunal has stated the details of nine workmen who claimed additional increment. The designation, basic qualification for appointment, date of entry, qualification when entered in service, additional qualification acquired while in service and years of acquisition of such qualifications are stated in detail. The witness examined on the side of the management as MW1 has admitted that the additional qualification acquired by these 9 workmen are connected with their area of functioning and also connected with better performance. This witness has further admitted that management has no objection in granting the benefit to

these 9 workmen if the unions agreed. No doubt Sri Narayana Pillai in Ext. M1 report proposed to allow one advance increment to those workmen who acquire additional qualification such as Degree in Engineering, MBA, which contribute to their better performance. But it may be noticed that in Ext. W1 there is no specification regarding the particular qualification sought to be acquired by the workmen for getting additional increment. As MW1 has admitted the eligibility of 9 workmen mentioned above and the qualifications are not specified in Ext. W1, the claim of these workmen for getting additional increment is fully justified and the objection raised by union No. 3 as alleged is without any justification.

8. There are no details regarding the number of workmen and the qualifications acquired by them who are represented by union No. 1 in this dispute. However in the Annexure to the claim statement filed by union No. 2 as mentioned above, the additional qualifications which are necessary for each category of post for getting eligibility to claim additional increment are admitted to be sufficient even by the management witness. These qualifications are equal to what is stated in Article-XII of Ext. W1. Therefore, the management can very well grant additional increment to other employees who have acquired qualifications as stated in the Annexure to the claim statement of union No. 2. In the circumstances of the case I make it clear that it is highly necessary to incorporate in Ext. W1 additional qualifications required for each post for claiming additional increment at the earliest in the light of the observations made above and in consultation with the unions.

9. In the light of the above discussion, I specify below additional qualifications which can be considered by the management for granting of one additional increment in question.

(1) Worker Gr. II—S.S.L.C., I.T.I.

(2) Junior Technician and Junior Operator—Degree in Mechanical Engg.

(3) Clerk-cum-typist—

Post Graduate Degree, Post Graduate Diploma in Personal Management and Industrial Relations and Higher qualification in Typewriting.

(4) Senior Gr. Asst—

Post Graduate Degree or post Graduate Diploma in Personal Management and Industrial Relations.

(5) Time Keeper—

Post Graduate Diploma in Personal Management and Industrial Relations and similar equal Degree.

(6) Asst. Gr. II—

Post Graduate Degree or post Graduate Diploma in

Personal Management and Industrial Relations.

(7) Assistant-cum-Librarian—

Post Graduate Degree in Sociology, Political Science, Library Science etc.

(8) Documentation Assistant—

Post Graduate Degree, in Sociology, Political Science, Library Science etc.

An award is passed accordingly.

C.N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witnesses examined on the side of the Workman

WW1.. Sri Darias D'Cruz

WW2. Sri S. Kishor.

Witness examined on the side of the Workman

Ext. W1. Memorandum of settlement between the management and their workman dated 27-5-1997

Ext. W2. Copy of representation submitted before the Asst. Labour Commissioner (Central) Trivandrum by the Titanium Complex Employees Union dated 19-11-1998.

Ext. W3. True copy of letter issued to the Joint Director Sri Rajindra Parsad, Institute of Communication and Management, Bombay from Commissioner and Secretary to Government of Kerla, General Administration Dept. dated 16-6-1984 with Government of India notification dated 15-1-1979.

Ext. W4. Photostat copy of notice dated 2-12-1997 published by the management.

Ext. W5. Certificate of Post Graduate Diploma in Industrial Relations and Personal Management issued from Bharateeya Vidyabhavan to Sri K.N. Jawahar.

Ext. W6. Certificate of post Graduate Diploma in Industrial Relations and Personal Management issued from Bhartheeya Vidyabhavan to Sri K. P. Mathew.

Documents marked on the side of the Management

Ext. M1. Photostat copy of the report of Sri M. Narayana Pillai on the revision of pay scale etc. dated 7-11-1996.

Ext. M2. Copy of minutes between the management and union representatives in the chamber of Hon'ble Minister for Industries, Kerela dated 7-5-1997.

Ext. M3. Copy of letter send by the management to the Asstt. Labour Commissioner, Central dated 25-11-1998.

Ext. M4. Copy of conciliation report dated 24-12-1999.

नई दिल्ली, 31 अक्टूबर, 2002

का.आ. 3252.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. भारत शैल लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई नं. 2 के पंचाट (संदर्भ संख्या 227/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं० एल-30011/40/99-आई आर. (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 31st October, 2003

S.O. 3252.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 227/99) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Bharat Shell Ltd. and their workman, which was received by the Central Government on 30-10-2003.

[No. L-30011/40/99-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT :**

S.N. Saundankar, Presiding Officer

Reference No. CGIT-2/227 of 1999

**EMPLOYERS IN RELATION TO THE
MANAGEMENT OF M/s. BHARAT SHELL LIMITED,
TALOJA**

M/s. Bharat Shell Limited,
Plot No. T-5, MIDC,
Taloja, Raigadh-410 208

V/s.

Thier Workmen

The General Secretary,
Kokan General Kamgar Union,
Manik Bhavan,
Near Jondhale High School,
Shastri Chowk,
Dombivli (West)-421 202.

Appearances :

For the Employer : Mr. S.J. Patkar,
Advocate

For the workmen : Mr. A.K. Phadke,
Advocate

Mumbai, dated 18th August, 2003

AWARD

The Government of India, Ministry of Labour by its Order No. L-30011/40/99/IR(M) dated 30-11-1999 and 28-2-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Bharat Shell Ltd., Taloja in not regularising the employment of 15 contract workers (as per annexure) is legal and justified? If not, to what relief the workmen are entitled to?”

ANNEXURE 'A'

List of workmen working with M/s. Y.N. Enterprises who have contract with M/s. Bharat Shell Limited, Plot No. T-5, M.L.D.C. Taloja, Tal : Panvel, Distt. Raigad

Sr. No.	Name of workman	Date of joining service	Designation	Nature of work	Salary/ Wages	Date of termination of service
1	2	3	4	5	6	7
1.	Mr. Tulshiram Sakharan Patil	7-1-1997	Sweeper	Cleaning and Sweeping	Rs. 85 per day	22-3-1999
2.	Mr. Jayram Kathor Kathe	-do-	-do-	-do-	-do-	-do-
3.	Mr. Janardhan Hender Kamble	-do-	-do-	-do-	-do-	-do-
4.	Mr. Janu Kanha Kathe	-do-	-do-	-do-	-do-	-do-
5.	Mr. Navneet Kashinath Sangade	-do-	-do-	-do-	-do-	-do-

1	2	3	4	5	6	7
6.	Mr. Shankar Balu Bhoir	7-1-1997	Sweeper	Cleaning and Sweeping	Rs. 85 per day	22-3-1999
7.	Mr. Ananta Pandurang Tarekar	2-6-1997	-do-	-do-	-do-	-do-
8.	Mr. Deepak Pandharinath Porji	-do-	-do-	-do-	-do-	-do-
9.	Mr. Namdeo Savlaram Dare	15-11-1998	-do-	-do-	-do-	-do-

ANNEXURE 'B'

List of workmen working with M/s. Harit who have contract with M/s. Bharat Shell Limited, Plot No. T-5, M.L.D.C. Taloja, Tal : Panvel (Raigad)

Sr. No.	Name of workman	Date of joining service	Designation	Nature of work	Salary/ Wages	Date of termination of service
1	2	3	4	5	6	7
1.	Mr. Shankar Gotiram Dhare	15-6-1996	Gardner-cum-Sweeper	Cleaning and Sweeping	Rs. 89 per day	22-3-1999
2.	Mr. Suresh Padu Bhoi	-do-	-do-	-do-	-do-	-do-
3.	Mr. Shaman Dwarkanath Pawashe	-do-	-do-	-do-	-do-	-do-
4.	Mr. Shitaram Ganpat Mhatre	-do-	-do-	-do-	-do-	-do-
5.	Mr. Maruti Baliram Sangde	-do-	-do-	-do-	-do-	-do-
6.	Mr. Ramesh Tukaram Patil	November 1997	-do-	-do-	-do-	-do-

2. Fifteen workers named in Annexure were working in Management Company at Taloja through Contractors. Vide Claim Statement (Exhibit-7) Union averred that six out of 15 workmen as mentioned in Annexure 'A' employed in the premises of the Company for the work of gardening and sweeping by Contractor, Harit alias Hariyali on 15-6-1996/ 1-11-1997, all of a sudden were disallowed to work on 22-3-1999 saying the principal employer terminated the contract. It is contended that those workers had put more than 240 days in a calendar year and that without following the provisions of the I.D. Act, they were terminated. It is pleaded that some of the workers mentioned in Annexure 'A' were engaged on contract basis from 22-4-1999 by another Contractor, viz. Industrial Housekeeping and Gardening Pvt. Ltd. According to Union 9 workers mentioned in Annexure 'B' were engaged by the management M/s. Bharat Shell Ltd. through Contractor, Y.N. Enterprises for cleaning and sweeping work in the plant premises from 7-1-1997/15-11-1998 and that though they worked more than 240 days, they were also not given work from 22-3-1999. However later on the management engaged them through Contractor, Industrial Housekeeping and Gardening Pvt. Ltd. from 22-4-1999. It is contended by the notification dated 9-12-1976 the Government of India prohibited employment of contract labour with effect from 1-3-1977 and in spite of this, the management engaged the workers on contract. It is averred that since the management

illegally discontinued the workers and thereafter engaged through Contractors against the provisions of the Industrial Disputes Act, the workers concerned needs to be regularised in the service of the Company and that management be directed accordingly.

3. Management Company resisted the claim vide written statement (Exhibit-10) contending that the appropriate Government for the Company under section 2(a) of the Industrial Disputes Act, is the State Government and not the Central Government, therefore, this Tribunal has no jurisdiction to entertain and adjudicate the reference. It is averred that work of planting trees was given to the contractor Hariyali vide agreement dated 1-8-1998 for one year and that on expiry of the same, it was given to another contractor from 20-3-1999. It is contended the work of cleaning/planting is temporary and that the contractor's concerned do not employ more than 20 employees at a time in a preceding year, therefore, there is no necessity for them to obtain licence for engaging labourers under section 12 of the Contractor Labour (Regulation and Abolition) Act 1970. It is contended after completion of the contract period, the new Contractor had engaged the workers under reference therefore they have no concern whatsoever with the Company. It is denied that the workers were disengaged by the Company, consequently, the claim being devoid of substance management Company prayed to dismiss the reference with costs in limine.

4. On the basis of pleadings Issues were framed at Exhibit-19 and in that context workers under reference viz. Deepak Porji, Shankar Dhare, Ananata Tarekar and the General Secretary of the Kokan Kamgar Union filed affidavits in lieu of Examination-in-Chief (Exhibit 20, 25, 28, 23) and closed oral evidence *vide* purshis (Exhibit-29). In rebuttal, Manager Employee Relations Mr. Lotankar on behalf of the Company filed affidavit (Exhibit-31) and closed oral evidence *vide* purshis (Exhibit-33).

5. Workman filed Written Submissions (Exhibit-34) and the management Company (Exhibit-35). On perusing the record, written submissions and hearing the counsels at length, I record my findings on the issues for the reasons mentioned below :

Issues	Findings
1. Whether the reference is maintainable as averred in Written Statement para 3 & 4?	Yes.
2. Whether the action of the management of M/s. Bharat Shell Ltd., Taloja in not regularising the employment of 15 contract workers is legal and justified?	Action is legal & justified
3. What relief the said workmen are entitled to?	As per order below

REASONS

6. At the threshold, the Learned Counsel Mr. Patkar for the management Company inviting attention to the Written Statement para 3 & 4 submitted that the Company which manufactures and markets petroleum governed by four Directors of M/s. BPCL and four Director of M/s. Shell Overseas Investment and that the Company being not a Central Government/Public Sector Undertaking nor controlled industry, the appropriate Government under section 2(a) of the Industrial Disputes Act in so far as the Company is the State Government and not the Central Government, therefore, the reference before this Tribunal is not maintainable. In contra, the Learned Counsel Mr. Phadke for the Union urged that by the notification dated 3rd July 1998 the Ministry of Labour issued directions that all the powers exercisable in relation to all Public Sector Undertaking specified in schedule annexed to the notification be exercisable by the State Government however, that notification does not include the name of the instant Company and since the Company is a Central Government Undertaking, relying on the decision of the Hon'ble Supreme Court in case Hindustan Aeronautics Ltd. & Anr. V/s. Hindustan Aeronautics Canteen Karmachari Sangh & Ors. Civil Appeal No. 3659 of 2002 he submits that since the Central Government issued registration certificate under the Contract Labour (Regulation and Abolition) Act necessarily the Central Government is appropriate authority. Admittedly Company is subsidised Company of BPCL and that name of Company does not find place in the 129 establishments appearing in

notification dated 3rd July, 1998 as such the Company being an undertaking of Central Government, relying on the decision *supra*, I find no force in the submission of Mr. Patkar. Consequently reference is well maintainable and that this Tribunal has jurisdiction in width to entertain and decide the same. Issue No. 1 is therefore answer in the affirmative.

7. Union specifically pointed out that workers named in Annexures 'A' & 'B' total 15 were engaged through Contractor by name Harihar alias Hariyali / Y.L. Enterprises but since they worked for the Company, as principal employer, it is under obligation to regularise them under the provisions of the Industrial Disputes Act. Deepak Porji in his evidence (Exhibit-20) stated that the workers mentioned in Annexure 'A' worked in the Company through Contractor from June 1996 till November 1997 for cleaning and sweeping the plant area in the Company premises and that Company used to pay them wages on monthly basis, however they were orally terminated on 22-3-1999 though worked more than 240 days. He pointed out that Tulsiram Patil was reengaged by the Company w.e.f. 22-4-1999. Shankar Dare stated that he and other workers named in Annexure 'B' were employed by the Company through contractor Hariyali from 15-6-1996 as Gardener-cum-Sweeper however they were also orally terminated on 22-3-1999 and later on from 22-4-1999 they all were again engaged. According to him though the work is perennial/permanent and the Government notification prohibits to engage contract labourers for sweeping, cleaning work of building, they were not regularised. The Employee Relations Executive Mr. Lotankar pointed out that the work of planting trees is not of perennial nature nor connecting with the manufacturing process, therefore the Company terminated the contract, consequently the workers under reference being the workers of contractor and since they were engaged and paid by the contractor, the Company does not come into picture.

8. Deepak Porji in his cross-examination para 10 admitted that they were engaged by the contractor, their attendance was recorded by the contractor and were getting wages from the contractor which finds support from worker Shankar Dhare, which clearly indicates that the workers under reference were of contractors. So far work is concerned, admittedly workers referred in Annexure 'A' & 'B' were doing work of a gardening/sweeping. The Learned Counsel Mr. Patkar at this juncture submits that since the plants have grown there is no need of watering, therefore the planting work being temporary after completion of the work the contract was terminated, consequently the work being not perennial question of regularising the workers does not arise. On perusal the record it is seen some workers mentioned in Annexures are still working in the Company through the contractors viz. Industrial Housekeeping and Gardening (P) Ltd and Hariyali Enterprises, which shows though contractors changed, workers continued to work

consequently the Company being not the employer question of their termination and reinstatement by the Company, does not arise.

9. The Learned Counsel Mr. Phadke urged with force that all the 15 workers had completed more than 240 days and that at the relevant time the Company was prohibited engaging contract labour therefore at least four workers who are not in the service named in para A-6 of the Claim Statement deserve to be regularised since 22-4-1999. At this juncture, the Learned Counsel Mr. Patkar submits that Company possesses a registration certificate and the concerned Contractor a valid licence as per Section 7/12 of Contract Labour (Regulation & Abolition) Act, 1970 therefore it is for the Contractor to decide to whom to engage since they have to remain directly under the control and supervision of the Contractor. Mr. Patkar submits that Contractors concerned do not employ more than twenty employees consequently to obtain licence under the Act, is not mandatory for them. On going through the record as a whole, since the workers under reference were of contract labourers and that employer and employee relationship does not exist between the company and the workers, question of their regularisation by the company does not stand to reason. Consequently action of the management in not regularising the contract workers is legal and fully justified and that none of the workers are entitled to any relief. Issues are answered accordingly and hence the order:

ORDER

The action of the management of M/s. Bharat Shell Ltd, Taloja in not regularising the employment of 15 contract workers is legal and justified.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2003

का.आ. 3253—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. राजाराम बान्देकर (सिरिगाँव) माईन्स प्रा. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुंबई नं. 2 के पंचाट (संदर्भ संख्या 50/1988) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं० एल-29012/42/88-डी-III (बी)]

बी. एम. डैविड, अवर सचिव

New Delhi, the 31st October, 2003

S.O. 3253.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/1988) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd. and their workman, which was received by the Central Government on 30-10-2003.

[No. L-29012/42/88-D-III(B)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present :

S.N. Saundankar, Presiding Officer

Reference No. CGIT-2/50 of 1988

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/S. Rajaram Bandekar (Sirigao) Mines Pvt. Limited,
Goa

The Managing Director,

M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Limited,

Nitin Chambers,

Swatantra Path, P.O. Box No. 31,

Vasco-da-Gama,

Goa-403 802

V/s.

Thier Workmen :

The General Secretary,

Goa Mining Labour Welfare Union,

Through Mr. Stephen Fernandes,

House No. 181/11,

Bhati Waddo,

Parra, Bardez,

Goa-403 510

Appearances :

For the Employer : Mr. M.S. Bandodkar,
Advocate

For the workmen : Mr. T.P. Pereira,
Advocate

Mumbai, dated 1st October, 2003.

AWARD

The Government of India, Ministry of labour by its Order No. L-29012/42/88-D-III (B) dated 17-11-1988 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd., Vasco-da-Gama in terminating the services of Shri Stephen Fernandes, Surveyor with effect from 30-6-1985 is

justified? If not, what relief the said workman is entitled to?

2. By the Award dated 27.3.1997 (Exhibit-25) my Learned Predecessor held that Shri Stephen Fernandes, Surveyor working in M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd., being not a workman within the definition of Section 2(s) of the Industrial Disputes Act, the reference is not maintainable. It is seen from the record by the Writ Petition No. 72 of 1998 Shri Stephen Fernandes challenged the said Award and that the Hon'ble High Court Bombay, Panaji Bench (Goa) by the Order dated 7/13-9-2001 setting aside the Award remanded the matter for deciding on merits. It is further seen the management Company by Letters Patent Appeal No. 6 of 2002 assailed the said Order before the Division Bench of Hon'ble Bombay High Court at Goa wherein by the Interim Award dated 15-7-2002. Their Lordships had directed this Tribunal to record the evidence only in the matter and not declare the Award till the decision of appeal and consequently this Tribunal had recorded the evidence and the matter was kept for arguments/Award.

3. Management Company along with letter (Exhibit-52) filed copy of the Judgement of the Division Bench of the Hon'ble High Court of Bombay at Goa dated 15.9.2003 whereby the Hon'ble High Court confirmed the Award of the Tribunal setting aside the Judgement and Order passed by the Single Judge holding Mr. Stephen Fernandes as not workman and consequently rejected the reference being not competent. In view of the said Order, the reference stands disposed of and hence the order :

ORDER

Reference stands disposed of as not competent vide Judgement and Order of Hon'ble High Court of Bombay at Goa (Exhibit-52).

S.N. SAUNDANKAR, Presiding Officer

RAJARAM BANDEKAR (SIRIGAO) MINES PVT. LTD.

Date: 25-09-2003

To,

Secretary to the Court,
The Central Government,
Industrial Tribunal No. 2,
2nd Floor, Shram Raksha Bhavan,
Shivshrushti Road,
Off Eastern Express Highway,
Opp. Priyadarshini, Sion,
Mumbai-400022.

Reference No. CGIT-2/50 of 1988

Employers in relation to the Management of
M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd.
and Their Workmen

Sir,

The Division Bench of the High Court of Bombay at Panaji by its Order dated 25th June, 2002 passed in the

"LETTERS PATENT" Appeal No. 6 of 2002 was while permitting the Court of the Central Govt. Industrial Tribunal No. 2 to proceed to record evidence in the above case was pleased by way of interim directions, to restrain the Tribunal to declare its award till the decision of the Hon'ble High Court in the LPA.

The Employer hereby is pleased to inform you that the Division Bench of the Hon'ble High Court at Panaji Goa was pleased by its order dated 15-9-2003, to allow the LPA, quashing and setting aside the Judgement and order dated 7/13-9-2001 passed by the Learned Single Judge of the High Court at Panaji in Writ Petition No. 72/98 filed by the Employee Shri. Stephen Fernandes challenging the AWARD and ORDER dated 27-3-97 of this Industrial Tribunal No. 2. Thus the validity of the said AWARD/ORDER dated 27th March, 1997 of the Industrial Tribunal No. 2 stands revived and comes in force and therefore assumes finality.

The Employers M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd. therefore, pursuant thereto submit that nothing more survives in the above reference and all proceedings therein come to an end. Copy of the said order dated 15-9-2003 is annexed hereto for your immediate ready reference.

EMPLOYERS

M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd.

NARAYAN R. BANDEKAR, Managing Director

**IN THE HIGH COURT OF BOMBAY AT GOA
LETTERS PATENT APPEAL NO. 6/2002.**

M/s. Rajaram Bandekar,
(Sirigao) Mines Pvt. Ltd.,
with Office at
Vasco-da-Gama, Goa

... Appellant.

VERSUS

1. Stephen Fernandes,
Surveyor, aged about
61 years,
residing at Mangurish
Building, Assnora, Bardez, Goa.
2. Central Government
Industrial Tribunal,
with office at Mumbai.

... Respondents

Mr. A.F. Diniz, Advocate for the Appellant.

Mr. M.B. D' Costa, Senior Advocate with Mr. J.A. Lobo,
Advocate for the Respondent No. 1.

CORAM: R.J. KOCHAR &

P.V. HARDAS, JJ.

Date of Reserving the Judgement : 3-9-2003.

Date of Pronouncing the Judgement : 15-9-2003

JUDGEMENT : (PER R.J. KOCHAR, J.)

The appellant/employer is aggrieved by the impugned Judgement and order passed by the learned single Judge of this Court on September 7/13, 2001 in Writ Petition No. 72/1998, wherein the respondent No. 1 employee, as the original petitioner had questioned the legality and priority of the Award Part I passed by the Industrial Tribunal in Reference No. CGIT-2/50 of 1988 holding that the petitioner employee was not a workman within the definition of Section 2(s) of the Industrial Disputes Act, 1947 and therefore it was held that the reference was not maintainable. The learned Single Judge, by the impugned order, quashed and set aside the aforesaid Award of the Tribunal and held and declared that the original petitioner was a workman under Section 2(s) of the Act and remanded the matter to the Tribunal for trial on merits.

2. The grievance of the petitioner in the Reference was that he was unlawfully terminated from employment with effect from 30th June, 1985. He therefore sought consequential relief of reinstatement with full back wages and continuity of service in his statement of claim. As we are not concerned with the facts or the merits of the case, we are not stating the other pleadings of the parties before the Tribunal. The petitioner filed his statement of claim, justifying his demand questioning the legality and propriety of the Order of termination. The appellant/employer filed his written statement and raised a preliminary objection in respect of the maintainability of the Reference on the ground that the petitioner/employee was not falling within the definition of Section 2(s) of the Industrial Disputes Act and therefore the Reference made by the appropriate Government was not competent. Since the question of jurisdiction was raised, the learned Member of the Tribunal proceeded to decide the same as a preliminary issue and he answered the same in favour of the appellant/employer. He held that as Surveyor, the Workman did not satisfy the test of the definition of workman under Section 2(s) of the Act and therefore he held that the Reference was not competent. The parties had adduced oral and documentary evidence on the basis of which the Tribunal concluded that the workman in the Reference was not in fact a Workman as defined under Section 2(s) of the Act and therefore the reference was bad in law as there was no industrial dispute between the employer and a workman as contemplated by the provisions of the I.D. Act. The Tribunal considered the evidence on record and held that the duties performed by the petitioner/workman did not satisfy the substantive main part of the definition of Section 2(s) of the Act.

3. Aggrieved by the aforesaid Award of the Tribunal the petitioner/workman approached this Court by filing the Writ Petition under Articles 226 and 227 of the Constitution of India. The learned Single Judge by the impugned order, as stated above, quashed and set aside

the said Award and remitted the matter to the Tribunal for final disposal on merits. We are informed that the Tribunal has already completed the recording of evidence on merits, but it has not given its final Award as the Tribunal is restrained by this Court from doing so during the pendency of the present L.P.A.

4. We have heard the learned counsel on both the sides. We have carefully gone through the proceedings. We are satisfied to the core that there was absolutely no good ground for the learned Single Judge to have interfered with the well reasoned Award of the Tribunal which was based on evidence and material on record. The decision of the learned Single Judge is contrary to the legal position in respect of the definition of Workman given under Section 2(s) of the I.D. Act. It appears that the learned Single Judge was not shown that the appellant/employer had led oral evidence of its Project-in-Charge who had not only filed his affidavit, but was also cross-examined. The learned Single Judge therefore has mentioned in paragraph 17 that the Company had not led evidence to prove that the work done by the petitioner was of supervisory nature or that he was exercising supervisory powers. We also fail to appreciate how the learned Single Judge has observed that the Tribunal had travelled beyond its jurisdiction and authority in coming to the conclusion that the petitioner was working in a supervisory capacity and therefore not a workman. The Industrial Tribunal which was called upon to adjudicate the industrial dispute referred to it by the appropriate Government under Section 10(1) of the Act had perfect jurisdiction to decide all the issues raised before the Tribunal. With respect to the learned Single Judge, we fail to understand how it can be said that the legally constituted Tribunal under the Act to decide the legality and validity of the industrial disputes could be said that it had no jurisdiction to decide the question whether the Reference was competent or not on the basis whether the Workman satisfied the definition of Section 2(s) of the Act. We also do not agree with the conclusion drawn by the learned Single Judge that the findings recorded by the Tribunal are perverse.

5. We have ourselves perused the entire Award and we find that the Tribunal has considered the evidence and has based its conclusion on the basis of the material adduced before the Tribunal. We fail to understand on what basis the learned Single Judge has observed that the Tribunal has failed to exercise jurisdiction vested in it and decided the dispute by giving a perverse finding on a preliminary issue. The Tribunal has considered the evidence and material before it and has recorded its preliminary finding. The Tribunal was well within its jurisdiction to decide the said issue and has decided the same on the basis of the material before the Tribunal. We therefore are of the opinion that the Award of the Tribunal cannot be termed or deemed as perverse or it cannot be said that the Tribunal has failed to exercise its jurisdiction.

The Tribunal has rightly and properly exercised its jurisdiction and has given its Award on the basis of the evidence and material on record. The Tribunal has also considered the provisions of the Special Act namely the Mines Act and also the Metalliferous Mines Regulations, 1961. We do not find any error of law or fact or perversity in the findings recorded by the Tribunal to warrant interference by this Court under its extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

6. Even then we have independently considered the question whether the petitioner/employee falls within the definition of Workman given under Section 2(s) of the Industrial Disputes Act, 1947. The petitioner/ employee was appointed as Surveyor and he was holding the post of Surveyor which is a statutory post required to be created under the Law of Mines and Minerals. There is no dispute that the petitioner/employee was independently governed by separate service conditions. There is also no dispute that he was provided with a furnished rent free accommodation. He was also enjoying electricity and water without any payment. He was not governed by the settlement between the management and the workman and he was not getting any benefits under the said settlement. There is also no dispute that Draftsmen and labourers were working under him. There is also no dispute that there is a grade or category of Foreman below the grade of Surveyor and such a Foreman is not a workman. Shri Diniz, the learned counsel appearing for the appellant, before us has pointed out the anomaly that if the contention of the petitioner that he is a workman is accepted, in that case the Foreman who works below him is not a workman while the Surveyor being a superior, would be a workman. Apart from the aforesaid important conditions which definitely lead us to infer that the petitioner certainly does not fall within the main definition of 'Workman' under Section 2(s) of the I.D. Act. We have further considered the provisions of the law and in particular the provisions of the Metalliferous Mines Regulation, 1961 under which several posts have been created and their duties and responsibilities have been statutorily defined in Chapter V. The Chapter is captioned as "Duties and Responsibilities of Workman, Competent Persons and Officials". From this caption of Chapter V under the Regulation itself has made a distinction between workman and officials. The category of workman is treated separately. Under the Regulations, "official" is defined as under:—

"Section 2(23) 'official' means a person appointed in writing by the owner, agent or manager to perform duties of supervision in a mine or part thereof, and includes an assistant manager, an underground manager, a mine foreman, a mining mate, an engineer and a Surveyor;"

7. It is therefore clear that the employees employed

in the aforesaid category are officials in the establishment of the Mine under the Mines Act. In this definition 'workman' is not included. Rule 2(19) defines "Mine foreman" as a person to perform the duties of supervision or control in a mine or part thereof. Chapter V defines the duties and responsibilities of workman, competent persons and officials separately and minutely. Regulation 52 which prescribes duties and responsibilities of Surveyors, reads as under:—

"Duties and responsibilities of Surveyors.

(1) Every surveyor shall - (a) make such surveys and levellings, and prepare such plans and sections, and tracings thereof as the manager may direct as may be required by the Act or by the regulations or orders made thereunder, and shall sign the plans, sections and tracings and date his signature; and

(b) be responsible for the accuracy of any plan and section, or tracings thereof, that has been prepared and /or signed by him.

(2) The Surveyor shall record in a bound-paged book kept for the purpose. -

(a) full facts when the working of the mine have approached to about 75 metres from the mine boundry or from disused or water-logged workings;

(b) any doubt which may exist, concerning the accuracy of the plan and sections prepared, under these regulations, and

(c) any other matter relating to the preparation of the plans, sections and tracings that be may like to bring to the notice of the manager.

Every entry in the book shall be signed and dated by the Surveyor, countersigned and dated by the manager :

Provided that where in any mine two or more surveyors are employed, each of the Surveyors shall make the entries aforesaid in respect of the workings in his jurisdiction or the plans and sections in his charge.

(3) Nothing in sub-regulation (2) shall absolve the owner, agent or manager of his responsibility under the Act and under these regulations and orders made thereunder."

8. It would also be relevant to reproduce Rule 66 to appreciate the duties and responsibilities of Surveyors working in Mines:—

"Preparation of plans by Surveyor. - (1) Every plan and section, and tracing thereof, prepared under the regulations shall be prepared

by or under the personal supervision of a Surveyor appointed under regulation 38.

(2) Every plan or section, or any part thereof, prepared by or under the personal supervision of a Surveyor shall carry thereon a certificate by him to the effect that the plan or section or part thereof is correct, and shall be signed and dated by the Surveyor and countersigned and dated by the manager on every occasion that the plan or section is brought up to date.

(3) Every tracing of a plan or section, or of any part thereof, shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the Surveyor to be a true copy of the original plan or section. The certificate shall be signed and dated by him.

(4) If the Surveyor fails or omits to show any part of the workings or allows any plan or section to be inaccurate, he shall be guilty of a breach of these regulations. Nothing in this regulation shall, however, exempt the owner agent or manager of his responsibility to ensure that every plan or section prepared, kept or submitted under these regulations or by an order made thereunder is correct and maintained up to date as required thereunder."

9. The Tribunal has considered the evidence and material on record in the context of the aforesaid provisions of law and has given correct finding that the petitioner/employee did not fall within the four corners of the definition of 'workman' under Section 2(s) of the I.D. Act. It would be relevant to reproduce Section 2(s) of the I.D. Act which reads as under :—

"(s) 'workman' means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person."

10. Reading the aforesaid provisions of law, by no stretch of imagination it can be said that the duties and responsibilities of the petitioner/employee would fall within the definition of 'workman'. We have to see the predominant work performed by a Surveyor which is a statutory post. Predominant nature of the duties partakes

the character of administration and the work in the capacity of a supervisor. A small clerical or manual work is always independent work in every post. Often a person holding the post of manager or an administrator has also to do some writing or some manual movements, but thereby he cannot be stretched in the main part of the definition of 'workman'. The predominant nature of the duties must fall within the definition of 'workman' if the concerned person is to be characterised as 'workman'. In the present case apart from the perquisites which are not available to the workman who is always governed by the terms of the settlement under the I.D. Act, the main duties and responsibilities cast on the post of a Surveyor cannot and do not fall within the main definition of workman. They are certainly of administrative/supervisory nature. Considering the nature of evidence on record and the aforesaid legal provisions, we are fully satisfied that the petitioner/employee was employed as an official in the post of a Surveyor and was performing the duties of Surveyor as required under the Regulations and these duties and responsibilities and the work done by him, do not carry him in the realm of the main definition of 'workman' under Section 2(s) of the I.D. Act. They take him out of the purview of the main part of the definition. We may refer here the latest judgment of the Supreme Court on the definition of "Workman under Section 2(s) of the I.D. Act. It has been reiterated, may by hundred times that while considering the issue of 'workman' we must first find out from the material on record the primary duties and dominant nature of work performed by the incumbent and that these duties must satisfy the tests prescribed in the substantive and main part of the definition. It is not permissible to test the duties negatively to say that they do not fall in the exceptional part and then to conclude that he automatically falls in the main part. It is indeed the other way round. The workman must at the first instance prove positively on the basis of material that he predominantly and substantively falls within the main part of the definition and not that he does not fall in the area covered by the exceptions in the definition. The learned Single Judge has committed grave error of law in this respect. The Supreme Court in the judgment of *Hussan Mithu Mhasvadkar V. Bombay Iron & Steel Labour Board* and another reported in (2001) 7 S.C.C., 394 in para 10 observes as under :—

"No doubt, in deciding about the status of an employee, his designation alone cannot be said to be decisive and what really should go into consideration is the nature of his duties and the powers conferred upon as well as the functions assigned to him. Even if the whole undertaking be an Industry, those who are not workmen by definition may not be benefited by the said status. It is the predominant nature of the services that will be the true and proper test. Operations of the Government which are pure and similiciter

administrative and of a governmental character or incidental thereto cannot be characterized to be "industrial" in nature, be they performed by a department of the Government or by a specially constituted statutory body to whom anyone or more of such functions are delegated or entrusted with. When, as in this case, as disclosed from Section 15 of the Act as also the provisions of the Scheme, the primary duties of an employee and the dominant purpose, aim and object of employment was to carry out only certain specific statutory duties in the matter of effective enforcement and implementation of the Welfare Scheme in order to ameliorate and rehabilitate a particular cross section of labour, and, if need be, on the basis of his own decision which calls for a high degree of discretion and exercise of power to prosecute the violator of the provisions of the Act, Rules and the provisions of the Scheme, we are unable to accord our approval to the claim made on behalf of the appellant that he can yet be assigned the status of a "workman", without doing violence to the language of Section 2(s) and the very purpose and object of the ID Act, 1947. That apart, even judging from the nature of powers and the manner of its exercise by an Inspector, appointed under the Act, in our view, the appellant cannot be considered to be engaged in doing any manual, unskilled, technical, operational, clerical or supervisory work and the mere fact that in the course of performing his duties he had to also maintain, incidentally, records to evidence the duties performed by him, day to day, cannot result in the conversion of the post of "Inspector" into any one of those nature noticed above, without which, as held by a Constitution Bench of this Court in the decision in H.R. Adyanthaya case the appellant cannot fall within the definition of "workman". The powers of an Inspector and duties and obligations cast upon him as such are identical and akin to law enforcing agency or authority and also on a par with a prosecuting agency in the public law field."

11. The Tribunal therefore has rightly held that the petitioner/employee was not a workman and therefore the industrial dispute referred by the appropriate Government for adjudication of his dispute challenging the Order of termination was rightly held not competent and not maintainable. We do not find any error of law or perversity in the order of the Tribunal to warrant interference of extraordinary jurisdiction under the Constitution. The learned Single Judge has committed a grave error of law by interfering with the well reasoned Award of the Tribunal in his extraordinary and narrow jurisdiction of Articles 226 and 227 of the Constitution of India. There is certainly

miscarriage of justice to warrant interference by us under the provisions of Clause 15 of the Letters Patent.

12. We therefore allow the appeal, quash and set aside the judgment and order passed by the learned Single Judge and confirm the Award passed by the Tribunal rejecting the Reference not competent. The Tribunal not to pronounce its final award on merits. In the circumstances no order as to cost.

13. Before parting, we may mention that as usual we tried to settle the dispute between the parties, particularly when we noticed that the employee had met with an accident and was not able to work and was hospitalised for some time and therefore he was terminated from employment. Considering his length of service and the age of retirement which he reached during the pendency of litigation, we tried to recommend compensation of Rs. 1,00,000/- to be paid by the appellant/employer to the respondent/employee. Since there was very wide gap between the parties, we left the thread of settlement at that point and we proceeded to decide the L.P.A. on merits.

R. J. KOCHAR, J.

P. V. HARDAS, J.

नई दिल्ली, 3 नवम्बर, 2003

का.आ. 3254.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर पोर्ट ऑथोरिटी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सुंबई नं. 2 के पंचाट (संदर्भ संख्या 31/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2003 को प्राप्त हुआ था।

[सं० एल-11011/19/2002-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3254.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 31-10-2003.

[No. L-11011/19/2002-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

S.N. Saundankar, Presiding Officer

Reference No. CGIT-2/31 of 2003

EMPLOYERS IN RELATION TO THE MANAGEMENT OF AIRPORT AUTHORITY OF INDIA

The Airport Director,
Airport Authority of India,
CSIA Terminal-1-B,
Vile Parle (East),
Mumbai-400 099.

V/s.

THEIR WORKMEN

The General Secretary,
Indian Airport Employees Union,
CPWD Worker's Colony,
Sahargaon,
Mumbai-400 099.

APPEARANCES:

FOR THE EMPLOYER : Mr. A.S. Patil,
Advocate

FOR THE WORKMEN : Mr. A.P. Kulkarni,
Advocate

Mumbai, dated 8th October, 2003

AWARD

The Government of India, Ministry of Labour by its Order No. L-11011/19/2002-IR(M) dated 19th May, 2003/ 28th July, 2003, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of AAI Mumbai in not regularising the services of workmen whose names are mentioned in Annexure A, B, & C is justified and legal ? If not, what relief the workman entitled to ?"

ANNEXURE-A

LIST OF WORKERS WHO ARE EMPLOYED IN THE AAI MUMBAI AT THE WAREHOUSE/CARGO COMPLEX FOR THE WORK OF LOADING

Sr. No.	Name	Designation	Date of Joining Length of Service		Departmentalised on	Designation of AAI Permanent Worker doing same work
1.	Ashok Satam	Loader	1-6-1986	Till	01-01-1993	Loader
2.	Shivaji Mokal	"	"	"	"	"
3.	Sidarth Jadhav	"	"	"	"	"
4.	Vitthal Jadhav	"	"	"	"	"
5.	Suresh Malap	"	"	"	"	"
6.	Ramesh Shirke	"	"	"	"	"
7.	Rajendra Khare	"	"	"	"	"
8.	Madhukar Bhosale	"	"	"	"	"
9.	Raju Borkar	"	"	"	"	"
10.	Raju Pawar	"	11-10-88	"	"	"
11.	Vishwanath Gode	"	15-09-89	"	"	"
12.	Abdul Kareem	"	"	"	"	"
13.	Manik Khandagale	"	"	"	"	"
14.	Anup Jaswal	"	"	"	"	"
15.	James Parampog	"	20-09-89	"	"	"
16.	Vinod Tanpure	"	03-10-89	"	"	"
17.	C.V. Thomas	"	11-10-90	"	"	"
18.	Mahendra Patne	"	05-09-91	"	"	"
19.	Vithu Aeer	"	13-11-91	"	"	"
20.	Shankar Kaur	"	10-07-91	"	"	"

ANNEXURE-B

LIST OF WORKERS WHO ARE EMPLOYED IN THE AAI FOR THE WORK OPERATION AND MAINTENANCE OF CONVEYOR SYSTEM AT TERMINAL-I-B PRESENTLY EMPLOYED IN OTHER SECTION OF THE ELECTRICAL MAINTENANCE DEPARTMENT OF AAI MUMBAI

Sr. No.	Name of the workers	Designation	Date of joining (Length of Service)	Original Department	Departmentalised in AAI on	Dept. & Post on being Departmentalised in the AAI	Designation of AAI permanent Worker doing same work
1.	Krishnan Unni C	Wireman	10.10.90	Till Date	Conveyor Belt EMD-II	1.11.94 Wireman EMD-I	Wireman
2.	Ramesh G. Randive	Mechanic	01.08.98	"	"	"	Mechanic EMD-I
3.	Satish Nair	Khalasi	17.11.90	"	"	"	Khalasi, EMD-I
4.	Vithal Nadgiri	"	28.12.90	"	"	"	"
5.	Saji T.K.	Mechanic	20.04.89	"	"	"	Mechanic EMD-II
6.	Shashikant Keloskar	Khalasi	10.10.90	"	"	"	Khalasi EMD-II
7.	Phoolchand Nishad	Wireman	05.10.90	"	"	"	Wireman EMD-II
8.	Babu B. Intenki	Mechanic	08.06.90	"	"	"	Mechanic EMD-II
9.	Robert Fernandes	Khalasi	15.10.90	"	"	"	Khalasi, EMD-II
10.	Laxman Pradhan	Khalasi	12.12.87	"	"	"	"
11.	Govind Patnaik	"	01.08.90	"	"	"	"
12.	Hitendra Kantheria	"	06.11.89	"	"	"	"

Note: EMD-I—Electrical Maintenance Division No. I, Terminal I-B

EMD-II—Electrical Maintenance Division No. II, Terminal II.

ANNEXURE-C**LIST OF WORKERS EMPLOYED IN THE A.A.I FOR THE WORK OF MAINTENANCE OF BAGGAGE CONVEYOR SYSTEM AT TERMINAL-'1-A', SANTACRUZ, MUMBAI**

Sr. No.	Name of the Worker	Designation	Date of Joining (Length of Service)		Department	Designation of AAI Permanent worker doing same work
1.	A. B. Dasan	Mechanic	18-04-92	Till Date	Conveyor Belt EMD III	Mechanic
2.	K. F. Albert	"	"	"	"	"
3.	T. J. Paul	"	"	"	"	"
4.	Satnam Singh Chawdhary	Electrician	22-05-93	"	"	Electrician
5.	R. P. Jadhav	"	25-01-94	"	"	"
6.	Agasthya P. Nair	"	02-04-95	"	"	"
7.	Ambrao K. Hiroli	Helper	18-04-92	"	"	Helper/ Khalasi
8.	Narayan B. Govda	Helper	08-02-92	"	"	"
9.	V. Raja	Helper	03-04-93	"	"	"

Note : EMD-III—Electrical Maintenance Department Terminal-'1-A'.

2. By the purshis (Exhibit-8) both Union and the Management pointed out that identical reference has been received by the CGIT-1 bearing Reference No. CGIT 1/15 of 2003 in respect of the very same employees of the management and therefore they are not pressing the instant reference and hence the order :

ORDER

Reference stands disposed of vide purshis (Exhibit-8).

S.N. SAUNDANKAR, Presiding Officer

EXHIBIT NO. 8

BEFORE THE HON'BLE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

Reference No. CGIT-No. 2/31/2003

Employers in Relations to the Management of Airports Authority of India

and

Their Workmen

MAY IT PLEASE YOUR HONOUR :

The 2nd party Union i.e. Indian Airports Employees Union who has been issued with the notices in this case prays that there are not pressing for the Reference Because, identical reference is made to the Hon'ble CGIT No. 1, being Ref. No. 1-15-2003 in respect of the very same employees.

Mumbai :

8-10-2003

Sd/-

A.P. KULKARNI, Advocate for the Union

Sd/-

(Gen. Secy. of I.A.E. Union)

Miss DIPTI GOPINATH

नई दिल्ली, 3 नवम्बर, 2003

Mumbai, dated 4th September, 2003

का.आ. 3255.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स विनसन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई नं. 2 के पंचाट (संदर्भ संख्या 38/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2003 को प्राप्त हुआ था।

[सं. एल-31011/28/2000-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3255.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Vinson and their workman, which was received by the Central Government on 31-10-2003.

[No. L-31011/28/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

S. N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/38 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/s. Vinson,
407, EMCA House,
289 Shahid Bhagat Singh Road, Fort,
Mumbai-400 001.

Vs.

THEIR WORKMEN

Shri Bhimrao D. Kamble,
C/o. Awadhesh S. Singh,
Punjabi Sharam Estate No. 1,
R/2, Shastri Nagar, Kalina,
Santacruz (East),
Mumbai-400 029.

APPEARANCES:

For the employer : Mr. K. P. Anilkumar,
Advocate.

For the workmen : Mr. A. S. Singh,
Advocate.

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/28/2000/IR(M) dated 27th March 2001, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Vinson, Mumbai in terminating the services of Shri Bhimrao D. Kamble, All Purpose Mazdoor, w.e.f. 1-8-1999 is legal and justified? If not, to what relief the workman is entitled?”

2. Workman Kamble was employed by the management Company as Godown-Khalasi from April 1998 in the office at Fort, Mumbai on the wages of Rs. 4579.08 ps per month. Vide claim statement (Exhibit-6) workman pleaded that he was performing his duties efficiently however, as his wife became sick and was hospitalised he proceeded to his native place on leave for about four days from 20-5-1999 to 23-5-1999 however since her illness continued he could not return back to Mumbai therefore vide telephonic message he had requested for extension of leave granted to him and on returning to Mumbai, he went to the office to report to duty on 1-6-1999 but the Officers of the Company did not allow him to resume duty. Consequently he approached the Union however Union did not take up his cause with the management and by the time, he had again to go to his native place and that he returned to Mumbai along with the medical certificate of the sickness of his wife on 22-7-1999 but the Company's Officer Mr. Tiwari did not allow him to resume duty. It is averred that as workman was not allowed to resume duty, he approached the management with letter dated 1-9-1999 but in vain and that without giving him show cause notice, and holding domestic inquiry, his name said to have struck off from the attendance roll which is contrary to the provisions of the Industrial Disputes Act and, therefore, his termination being illegal, the Company be directed to reinstate him in service with full back wages.

3. Management Company resisted the claim of workman by filing Written Statement (Exhibit-9) contending that since the workman remained absent without intimation for more than three months and despite giving opportunity to resume duty, he did not turn up, his name was struck off from the muster. It is averred that the workman earlier had given undertaking that he would not remain absent in future and in that event his services could be terminated and despite that, he remained absent without leave which conduct was irresponsible therefore, he had lost his lien on the job. It is contended workman was offered his dues but he refused to collect and hence the same was sent by cheque on his last known address. It is averred that

workman being chronic absentee does not deserve to be reinstated, consequently his claim being devoid of substance be dismissed with costs in limine.

4. On the basis of pleading issues were framed at Exhibit-10 and in that context workman filed affidavit in lieu of Examination-in Chief (Exhibit-14) and closed oral evidence vide purshis (Exhibit-20). In rebuttal, management filed affidavit of its employee in supervisory category Mr. Tiwari (Exhibit-22) and examined one of the Partners Ms. Vazirani (Exhibit-28) and closed oral evidence vide purshis (Exhibit-30). Workman filed written submissions (Exhibit-31) along with copies of rulings (Exhibit-32) and the management (Exhibit-34).

5. On perusing the record as a whole, written submissions and hearing both the counsels, I record my findings on the issues for the reasons mentioned below :

Issues	Findings
1. Whether the action of the management of M/s. Vinson, Mumbai in terminating the services of Shri Bhimrao D. Kamble, All Purpose Mazdoor, w.e.f. 1-8-1999 is legal and justified ?	Neither legal nor justified.
2. What relief Shri Kamble is entitled to ?	As per order below.

REASONS

6. Admittedly workman Kamble was appointed by the management Company vide letter dated 24th April 1987 (Exhibit-29). According to workman though he worked sincerely and efficiently, only because he was on leave for three months, without issuing him notice and holding inquiry his name was struck off from the muster roll, thereby terminated him illegally. Management's employee in supervisory category Mr. Tiwari pointed out that workman without intimation remained absent and in spite of giving opportunity, did not report to duty therefore, his absence being unauthorised, he was removed. It is significant to note that Mr. Tiwari though disclosed much on absence, in cross-examination para 9 admitted that he had verbally granted leave and that workman had telephoned him on his absence on 20-5-1999. It is not that workman proceeded on leave without intimation and had not contacted at all. As seen from evidence in cross examination para 9 according to Mr. Tiwari workman was given charge sheet however nothing of the sort on record. It is, therefore, apparent that workman was removed from the service without giving show cause notice and holding inquiry. It is settled legal position that removal from service without giving opportunity, is illegal (AIR 1966 SC 492). The purpose of holding inquiry is to ascertain as to whether the absence from duty was unauthorised or

otherwise. According to workman he had gone to his native place as his wife was ailing and that he had produced the medical certificate of her illness. Documents filed with list (Exhibit-15) shows that wife of workman was hospitalised during the material period which indicative to show that he did not report to duty due to illness of his wife which absence was not unauthorised. Assuming for a moment, workman remained absent from duty for more than three months, duty cast on the management giving opportunity, to know the reasons thereof by holding domestic inquiry, however that is wanting as discussed supra. Consequently removal of workman without giving charge sheet and holding inquiry, is against the principles of natural justice, equity, good conscience and also against the provisions of Section 25F of the Industrial Disputes Act, consequently is wholly illegal and unjustified.

7. It is in the evidence of Company's Partner Ms. Vazirani that Company's stevedoring licence has not been renewed by the B.P.T. by the letter dated 27-7-2002 (Exhibit-25/2), consequently they closed the business and accordingly they have settled the claim of the workers. Workman admittedly was working in Stevedoring as Mazdoor in the Godown. Company has business in Gandhidham, Gujarat. Storage/Godown is still in possession of the Company wherein machines and other equipments are stored. Since the workman was a Mazdoor and that storage/godown where he was working, is still in possession of the Company, hardly can be said that Company closed business and there is no work for workman.

8. As stated above, workman was illegally removed from the services and that still company possesses storage/godown where work of Mazdoor is in existence, the Company is liable to continue the workman on duty, giving him consequential monetary benefits. In this view of the matter, the action of the management Company in terminating the services of workman is wholly illegal and unjustified, consequently workman deserves to be reinstated in service with full back wages, Issues are answered accordingly and hence the order :

ORDER

The action of the management of M/s. Vinson, Mumbai in terminating the services of Shri Bhimrao D. Kamble, All Purpose Mazdoor, w.e.f. 1-8-1999 is neither legal nor justified.

Management is directed to reinstate the workman in service with full back wages and consequential monetary benefits.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2003

का.आ. 3256.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-ग्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-255/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-2003 को प्राप्त हुआ था।

[सं. एल. 40025/20/2003-आई आर (डीयू)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 3rd November, 2003

S.O. 3256.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-255/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 3/11/2003.

[No. L-40025/20/2003-IR(DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, B. SC., LL.B., Presiding Officer

Dated the 8th day of September, 2003

Industrial Dispute L. C.I.D. No. 255/2001

BETWEEN:

Sri B. Shyamsunder,
S/o B. Chandra Mouli,
R/o 25-9-177, Bapuji Nagar,
Kajipet Junction,
Warangal.

... Petitioner

AND

1. The General Manager,
A. P. Telecom,
Suryalok Complex,
Abids, Hyderabad.
2. The Sub-Divisional Officer,
Telecom, Warangal,

APPEARANCES:

For the Petitioner : M/s. R. Yogender Singh,
V. Kiran Kumar, K. Sunil
Kishore Goud & B.K.M.
Chakravarthy, Advocates

For the Respondent : Sri R. S. Murthy, Advocate.

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are: That the Petitioner worked from March, 1982 to July, 1985 on muster rolls. During the period March, 1982 to March, 1984 the workman was engaged for a period of 233 days excluding weekly offs. If the weekly offs and national holidays are calculated, the number of working days will be 290 days. That his name was removed from muster rolls with effect from July, 1985. Thus, it tantamounts to termination violating the provisions of I.D. Act. That the Petitioner belong to economically backward class. Due to the arbitrary and inhuman action of the Respondent his entire family thrown into financial hardships. That whenever he requested the second Respondent, he dogged the matter by making false promises that they will reengage the Petitioner whenever the vacancies arises. In fact, the Respondent is extracting the work from the Petitioner even as on today. Hence, may be pleased to set aside the oral termination order dated 1-7-85 and direct the Petitioner to be reinstated with back wages, continuity of service and pass such other and further orders that the Hon'ble Court may deem fit in the circumstances of the case.

3. The Respondent filed a counter stating that the Respondents are entrusted with the responsibility of setting up and maintenance of telecom system. That in the past for the purpose of digging of trenches, laying of cables, carrying loads and similar other related works, a large number of manual work force was required and work was of intermittent nature and not continuous. The sanctioned strength based on regular and continuous work load was not adequate to meet several exigencies. The Petitioner is seeking relief on the basis of his intermittent engagement from the period 26-3-82 to 31-7-85. The record for the said period had been weeded out by efflux of time. That the Petitioner approached after a lapse of 14 years by raising a dispute before the Assistant Labour Commissioner (C), Mancherial in the year 1999. The Ministry of Labour, Government of India also has declined to make a reference under Sec. 10 of the I.D. Act. The claim is misconceived, frivolous and vexatious. Since the Department has taken a policy decision to close the establishment engaging casual labour thereby leaving no scope for invoking Sec. 25 F of the I.D. Act. The allegation that his name was removed in violation of provisions of Industrial Disputes, Act, 1947 is not correct. That as per settled law, mere completion of one year service on intermittent works would not confer any right for reinstatement and termination of casual mazdoor on expiry of the said period of engagement. That the Petitioner is not entitled for any relief.

4. The Petitioner examined himself as WW1 and deposed that he was engaged by the Respondent with effect from August, 1981. At the time of filing the case he had record of March, 1982 to July, 1985. That during the above spells of engagement he has completed more than 240 days in a year of engagement. After 1985 July, he was engaged by the Respondent upto 1998 on ACG-17. From January, 1999 he was asked to work with the contractor engaged by the Respondent. Ex. W1 shows his engagement with effect from 21-8-81 to 30-4-82. Ex. W2 is the muster roll in original showing his engagement with the Respondent with effect from 26-3-82 to 31-8-84. Ex. W3 is another muster roll showing his engagement from 1-9-84 to 31-5-85. Ex. W4 is the certificate issued by the contractor Sri Hari Constructions certifying that he had worked on daily wages for laying of cable work from January, 1999 and is still working with them. It is not true to suggest that the muster roll was fabricated by him.

5. The Management examined Sri M. Narasaiah, Sub-Divisional Engineer (Operations) who deposed that the Petitioner is claiming that he was engaged on muster rolls from 21-1-81 to 30-4-82 and again till 31-1-84 and again from 1-9-84 to 30-5-85. But, it could not be verified as the records of the said periods have been weeded out by efflux of time as per retention schedule prescribed in P & T FHB Vol. III marked as Ex. M 1. As per the retention schedule, the period of preservation of muster rolls/muster rolls registers is 5 years. That the claim of the Petitioner that he was paid through ACG-17 from July, 1985 to 1998 is false. That due to ban on engagement of casual mazdoors it was considered necessary to carry out urgent work through contractors. Thus, it appears that the Petitioner might have been engaged by the contractor from January, 1999 and this engagement is no way connected with the Department. That there is no scope to engage casual mazdoors except for a period of 60 days. That the Petitioner raised an industrial dispute before the Assistant Labour Commissioner (C), Mancherla in the year 2000 which ended in failure and the Ministry of Labour, Government of India has not considered this dispute fit for reference. As it has been raised after a lapse of 14 years long delay. That there is no retrenchment at all.

6. In the cross examination he deposed that they are in no way connected with the engagement of the Petitioner with the contractor. He does not know about the signatories in Ex. W1, W2, and W3. He has not enquired whether those signatories worked in the Department during the said time.

7. It is argued by the Learned Counsel for the Petitioner that the Petitioner has worked from March, 1982 to July, 1985 for 233 days. That they have never questioned the veracity of the documents filed by the Petitioner except that it is belated. At present the Petitioner is working under the contractor engaged by the

Respondent. Hence, the Respondent may be directed to regularize his services.

8. It is argued by the Learned Counsel for the Respondent that according to the Petitioner he was engaged from March, 1982 to July, 1984 for 233 days and his name was removed in July, 1985 without notice. That in fact, the Central Government, Ministry of Labour has refused to refer the said dispute. There is practically no record that he has worked from 1982 to 1998 and he has worked with the contractor. Hence, no relief may be granted to him.

9. It may be seen that the Petitioner is not able to give any proof of his engagement from 1982 and there is no record that he worked up to 1998, on ACG from 1985 upto 1998 nor it is mentioned in the claim statement. What is not pleaded cannot be looked into. He has raised the dispute before the Assistant Labour Commissioner (C), Mancherla after a lapse of 14 years. The Government of India, Ministry of Labour refused to refer the matter. Apparently, for a matter of 1985 he has approached this Court in 2001. No doubt there is no limitation but it does not mean, one can sleep for decades and can come whenever he pleases to the Court. Such a long delay amounts to abandonment of the claim if any. However, he has filed Ex. W1 to Ex. W3 which are not denied by the Respondent. Hence, an award is passed holding that if any casual employees/temporary employees are appointed in future, the Petitioner may be given preference taking his date of initial engagement as 1st March, 1982 giving relaxation of age in the matter of engagement.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 8th day of September, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Sri B. Shyam Sunder	MW1 : Sri M. Narasaiah

Documents marked for the Petitioner

- Ex. W1 : Copy of particulars regarding engagement of WW1 between 21-8-81 to 30-4-82.
- Ex. W2 : Original muster roll book for the period from 26-3-82 to 31-8-84
- Ex. W3 : Another muster roll book for the period from 1-9-84 to 31-5-85
- Ex. W4 : Copy of certificate issued by Sri Hari Constructions dt. 1-9-2001

Documents marked for the Respondent

- Ex. M1 : Copy of retention schedule from P & T FHB Vol. III
- Ex. M2 : Copy of DGP & T Ir. No. 270-6/84-STN dt. 30-3-85
- Ex. M3 : Copy of DOT New delhi Ir. No. 270-6/84-STN 22-6-88
- Ex. M4 : Copy of Ir. No. 269-4/93-STN-II (Pt.) dt. 12-2-99
- Ex. M5 : Copy of minutes of conciliation of ALC (C)/MCI dt. 22-6-2000

AND

1. The General Manager,
Chittoor Telecom District,
Tirupathi.
2. The Sub-Divisional Engineer (G)
Telecom,
Puttur-577 583.

Respondents

APPEARANCES:

For the Petitioner: M/s C. Suryanarayana &
P. Venkateswara Rao, Advocates

For the Respondent: Sri R. S. Murthy, Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the petition are : that the Petitioner was employed as casual mazdoor under the Respondent with effect from 1-4-87 and attached to various Sub-Inspectors, Telecom/phones, to provide new phone connections, power guardings at various places to guard open wires from coming into contact with overhead electric wires, cable works (including underground cable work), shifting store yard from one station of work to another, besides attending to break downs of overhead lines during cyclones and other similar natural calamities upto and inclusive of March, 1992. His name was shown in the muster rolls during the entire period. Thereafter, he was retrenched from service without complying with the mandatory provisions of the I.D. Act, 1947. Though, he was subsequently resorted to restore the services his name was not included in the muster rolls. He was paid on what are known as ACG-17 payment vouchers which are accounted for by the Paying Authorities concerned in their ACE-2 accounts which they submit to recoup their imprest amounts. ACG-17 payment vouchers which are under the relevant rules such bills with vouchers which are required to be preserved for not less than 20 years.

3. With effect from 1-4-92 he was employed on alleged contract basis and paid only Rs. 900/- per month. Though employment of contract labour of any labour on contract basis has been abolished by Central Government. He was employed on identical works as above. Casual labours are entitled to much higher wages, i.e., daily wage @ one-thirtieth of the monthly wage of a Group-D employee, as recommended by the V-CPC being Rs. 2550 plus DA. But the applicant is being paid far less than what he is entitled. His being exploited bordering on what may be called as beggar prohibited by the Constitution of India. He was so employed till 30th June, 2000. But

नई दिल्ली, 3 नवम्बर, 2003

का० आ० 3257.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-27/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-2003 को प्राप्त हुआ था।

[सं. एल. 40025/21/2003-आई. आर. (डीयू)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3257.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-27/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 3-11-2003.

[No. L-40025/21/2003-IR(DU)]

B.M.DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, B. SC., LL.B., Presiding Officer

Dated the 24th day of September, 2003

Industrial Dispute L.C.I.D. No. 27/2001

BETWEEN:

Sri A. Narayana,

10/44, Madigawada,

Karvetinagaram-517 582.

Chittoor District.

... Petitioner

thereafter he has been retrenched again without complying with the mandatory provisions of the I.D. Act. Inspite of the dictum laid down by the Supreme Court that contract labourers are employed on similar works are Management's employees and entitled to similar benefits. He has not approached any other forum. Hence, he may be reinstated and granted temporary status and/or absorption as regular mazdoor in a Group-D cadre atleast for a post reserved for SC candidates with effect from 1-10-89. Besides regulating his promotions if any to which he is entitled. Besides declaring that the Petitioner is entitled to difference in wages as per Hon'ble Supreme Court's direction in AIR 1987 Page 2342 for the period for which he was not paid.

4. A counter was filed stating that the petition is baseless and misconceived. It is submitted that it has become necessary to engage casual labourers for specified periods on time bound works to improve the telecom network in the remote places by connecting all the villages. The sanctioned strength for this purpose is not adequate. A casual labourer engaged for such time bound works could not be continued after completion of the period and the job for which they were engaged. That the labour engaged on contingent/contract basis in connection with rectification of faults in the remote villages is for the assistance to the regular staff and this part time employment for 2-1/2 hours does not confer any right for extending temporary status and regular absorption since the part time employment is not the regular employment and it is resorted to a contingent measure in the absence of full justification as per the prescribed standards of work. That the Petitioner was engaged intermittently from 1-4-87 to 31-3-92. He did not seek any work after 1-4-92 to 31-12-95. He was engaged on oral contract and paid Rs. 30/. Such engagement is continued from 1-1-96. As per the agreed terms and conditions the claim for the temporary status and regular absorption is baseless and untenable. That his engagement never exceeded 240 days except during 1990-91 and 1991-92. The fact that he has been engaged on contract basis from 1-1-96 strengthen the fact that he absented from 1-4-92 willfully and deliberately. He has at no point of time represented in this regard and continuation of his juniors is not relevant. The payment is as per the oral contract is based on the wages fixed by local authorities which was duly accepted by him and he was paid accordingly. The services of the Petitioner are being utilized to assist the telecom mechanic in Line and Cable fault works as and when required. As there is no termination, hence, no question of violating the I.D. Act.

5. The Petitioner examined himself and deposed that he belongs to Madiga, sub-caste of Schedule Caste. That he has worked since 1-4-87. During the period upto 31-3-89 his name was shown in the muster rolls. That number of days were recorded in Ex. W1 for three months after 31-3-92. He could not perform any duty as he was

suffering from a cut in his hand. Afterwards he came back to work. He was employed after 31-3-92 upto 31-12-95. The original certificate was requested to be submitted to consider his case also for absorption in Department and he submitted the same to Assistant Engineer, HRD in the Telecom District Office. That he continued his service from 1-1-96 to 31-12-97. His name was recorded in I.B. No. 13 of 1995-96 I.B. No. 14 of 1995-96 and I.B. No. 1 of 1996-97 to I.B. No. 14 of 1996-97, I.B. No. 1/97-98 to continuous I.B. No. 12/97-98 for the period ending 31-12-97. The amounts paid to him are also indicated in Ex. W2. During the period his name is shown in the muster rolls. He was paid arrears of wages by the Department. He was continued in service as casual labourer even after the above period. Ex. W3 is the statement of payments made to him for periods indicated against the payment. The imprest bill number and the voucher number of the payments made to him were shown in the statement. This certificate by the Sub Divisional Engineer, Telecom, Groups, Puttur upto 31-3-2000. Even after March, 2000 he was continued in service but the periods of employment and the records relating to it are during April, 2000 could not be traced. But the particulars relating to vouchers and imprest bills of July and August, 2000 were recorded. The documents is in two pages. Even now he is working without absence. He is being not given any weekly offs. He is not being paid wages on par with mazdoors whose names are included in the muster rolls. Several of his juniors were granted temporary status and also regularisation regular mazdoor in Group 'D' cadres. Ex. W4 is the order issued by General Manager, Telecom Department, Tirupathi on 6-6-2001 in which the names of 68 mazdoors are recorded. They were all granted permanent orders as regular mazdoors, long after recruitment. He is praying for absorption in the Department and for grant of temporary status with effect from 1-10-89 and regularisation from the date when his immediate junior is regularized and for all other incidental and consequential benefits.

6. In the cross examination he deposed that he himself offered work from 1-4-87. He was engaged from works relating to digging, cable line and erection. The work was intermittent. He used to project work and also for installation work. He used to do this work upto 31-3-92. He denied that he did not seek any work upto 31-12-95. That he used to work from 1-1-96 on work spot. He also worked on Truck maintenance. He denied that he is not entitled for any relief.

7. The Management examined Sri G. Ramanjaneyulu, Sub-Divisional Engineer, Telephones who deposed that from the record he find that WW1 worked from 1-4-87 to 31-3-92 due to shortage of casual labour with temporary status at regular Grade 'D' staff for urgent time bound works was engaged when work is available. His engagement was intermittent and paid only daily wages. He was not engaged from 1-4-92 to 31-12-95.

He was engaged only for 2-1/2 hours per day and paid Rs. 30/- per day. The engagement for the period exceeding 240 days during 1990-91 and 1991-92 is not relevant. The past records of period exceeding 3 years is not available due to reorganization and bifurcation of sections several times. Only the record of payment from 1-7-2000 is available. The claim for reinstatement from 1-4-89 is baseless and incorrect. The Hon'ble Supreme Court merely directed to finalize a scheme for granting temporary status on casual labour employed on regular post with long period of service.

8. In the cross examination he deposed that it is correct that the Petitioner was paid on muster rolls. The wages of Rs. 30/- were paid to the workman for work of 2-1/2 hours per day and the vouchers on which they were paid were recorded. After the accounts were audited the vouchers were preserved for a limited time and then destroyed. He does not have any idea when those records were destroyed. There is no contract in writing between the workman and the Department. There is no document except the voucher on which it is recorded. That the payment is on contract basis. Since there is no retrenchment attraction of provisions of I.D. Act does not arise.

9. It is argued by the Learned Counsel for the Petitioner that since the Petitioner's initial appointment, his name was shown in muster rolls upto 31-3-98. The details of his work record is Ex. W1. That the Petitioner was paid arrears as per directions in para 6 of Hon'ble Supreme Court's Judgement reported in AIR 1987 SC page 2342. He is entitled for arrears for the remaining periods which are yet to be paid. He is continuing in service but not permitted to avail weekly offs by the local authorities of Pottur sub division. In Ex. W4 order, 68 casual mazdoors were appointed either as Temporary Mazdoors or absorbed as regular mazdoors including 29 of his juniors whom he has identified in his deposition. He represented to S.D.E., HRD to appoint him as temporary mazdoor or regular mazdoor as he was eligible but in vain. He was not even informed of reasons for denying him the benefit what to speak of giving him notice to show cause why he should not be denied the said benefit. Thus he become a victim of hostile discrimination. They were all recruited as casual mazdoors after he was recruited. Though he is entitled to similar benefits with protection of his seniority in terms of Sec. 25-G and 25-H of the I.D. Act, he was denied the benefit. His juniors have been appointed, therefore, he has to be absorbed as a regular candidate. From Ex. W1 it is clear that he has been working from 1-4-87 till 28-3-92. After 31-3-92 he could not perform duties up to 1995. His original certificate was requested to be submitted to consider his case also for absorption accordingly he worked again from 1-1-96 to 31-12-97. The amounts paid to him are recorded in Ex. W2. He was paid arrears of wages

by the Department. He was continued as per Ex. W3 even in 2001 and 2002. Even now, he is working without absence. All others are given temporary status. He is also praying for absorption in the Department and grant of temporary status with effect from 1-10-89. That he is again doing the work on contract basis from 1-1-96. So he may be given temporary status and he prays that he may be reinstated.

10. It is argued by the Learned Counsel for the Respondent that the Petitioner worked as a casual mazdoor on muster rolls from 1-4-87 to 31-3-92. That he worked again from 1-1-96. He did not work from 1992 to 1995. Therefore he is not entitled for any relief.

11. It may be seen that the claim of the Petitioner himself is that he worked from 1-4-87 till March, 1992 at various places. It is clear cut case after 31-3-92. He is not given any work upto 31-12-95. If he is really in grievance, and if they have removed him without following the procedure there should have been something in writing. It clearly shows that he himself abandoned the work and it is his case that he is still working under a contractor and again he has been terminated from June, 2000. He has not been able to give any proof of his employment from 1-4-92 to 31-12-95. During the period his name was shown in the muster rolls. He was paid arrears of wages. Even on the date of deposition he deposed on 28-2-2001 that even now he is continuing in service. In a similar manner without absence and without any weekly offs. So when he is working the question of termination for the previous year and granting regular status cannot be considered under Sec. 2A(2), because 2A(2) is, "Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute", that has to be considered. Here, he wants the Court to consider his alleged dismissal, reinstatement with continuity of service, protection of seniority etc. with effect from 1-10-89. I am afraid no such direction can be given under Sec. 2A(2) for granting temporary status or regularisation he has to approach and get a reference under Sec. 10(1)(f) and as he is still continuing in service according to his own contention no such direction for reinstatement can be given. However one thing is clear as he has been working from 1-4-87, which is not denied by the Respondent. Hence, the Respondents are directed to consider the case of the Petitioner subject to his satisfying the other conditions except age, if candidates are considered for granting of temporary status, the Petitioner may be considered in the quota of the SC taking his initial date of appointment as 1-4-87.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 24th day of September, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

WW1: Sri A. Narayana MW1: Sri G. Ramanjaneyulu

Documents marked for the Petitioner

- Ex W1: Copy of working days particulars of WW1
Ex W2: Copy of particulars of I.B. Nos. in which the name of WW1 was recorded
Ex W3: Copy of statement of payments made to WW1 by the Respondent
Ex W4: Copy of order issued by GMTD/Tirupathi No. GMTD/TRP/E/RM-Rect/2000-01/12 dt.6-6-2001

Documents marked for the Respondent

- Ex M1: Copy of letter of ban on engagement of casual labour dt.30-3-85
Ex M2: Copy of letter of ban on engagement of casual labour dt.18-7-88
Ex M3: Copy of letter of ban on engagement of casual labour dt.12-2-99
Ex M4: Copy of letter of ban on engagement of casual labour dt.27-4-2000

नई दिल्ली, 3 नवम्बर, 2003

का.आ. 3258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-256/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-2003 को प्राप्त हुआ था।

[सं. एल-40025/18/2003-आई. आर.(डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3258.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-256/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the

Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 3-11-2003

[No. L-40025/18/2003-IR(DU)]

B.M.DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 8th day of September, 2003

INDUSTRIAL DISPUTE L.C.LD.No.256/2001

BETWEEN:

Sri Md. Samdhani,
S/o Md. Afzal,
R/o H.No.11-23-2008,
L.B. Nagar, Warangal.

AND

1. The General Manager,
A.P. Telecom,
Suryalok Complex,
Abids, Hyderabad.
2. The Divisional Engineer,
Telecommunications, Warangal. ... Respondents

APPEARANCES:

For the Petitioner M/s R. Yogender Singh,
V. Kiran Kumar, K. Sunil Kishore
Goud & B.K.M. Chakravarthy,
Advocates

For the Respondent: Sri R.S. Murthy, Advocate

AWARD

This is a case taken under Sec.2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are: That the Petitioner worked from January, 1982 to September, 1985 on muster rolls. During this period the workman was engaged for a period of 1120 days excluding weekly offs. That his name was removed from muster rolls with effect from September, 1985. Thus, it tantamounts to termination violating the provisions of I.D. Act. That the Petitioner belong to economically backward class. Due to the

arbitrary and inhuman action of the Respondent his entire family thrown into financial hardships. That whenever he requested the second Respondent, he dogged the matter by making false promises that they will reengage the Petitioner whenever the vacancies arises. In fact, the Respondent is extracting the work from the Petitioner even as on today. Hence, may be pleased to set aside the oral termination order dated September, 1985 and direct the Petitioner to be reinstated with back wages, continuity of service and pass such other and further orders that the Hon'ble Court may deem fit in the circumstances of the case.

3. The Respondent filed a counter stating that the Respondents are entrusted with the responsibility of setting up and maintenance of telecom system. That in the past for the purpose of digging of trenches, laying of cables, carrying loads and similar other related works, a large number of manual work force was required and work was of intermittent nature and not continuous. The sanctioned strength based on regular and continuous work load was not adequate to meet several exigencies. The Petitioner is seeking relief on the basis of his intermittent engagement from the period January, 1982 to September, 1985. The record for the said period had been weeded out by efflux of time. That the Petitioner approached after a lapse of 16 years by raising a dispute before the Assistant Labour Commissioner(C), Mancherial. The Ministry of Labour, Government of India also has declined to make a reference under Sec. 10 of the I.D. Act. The claim is misconceived, frivolous and vexatious. Since the Department has taken a policy decision to close the establishment engaging casual labour thereby leaving no scope for invoking Sec. 25F of the I.D. Act. The allegation that his name was removed in violation of provisions of Industrial Disputes Act, 1947 is not correct. The Petitioner is strict proof of the various allegations of having worked for 1120 days and considered twice for written examination and for regularisation. That as per settled law, mere completion of one year service on intermittent works would not confer any right for reinstatement and termination of casual mazdoor on expiry of the said period of engagement. Hence, industrial dispute deserves to be dismissed with costs.

4. The Petitioner examined himself as WW1 and deposed that he was engaged by the Respondent with effect from 1981 to October, 1985 for 1120 days. That from 1985 to 1988 there was break. Again, he was on ACG-17 from January, 1988 to 1994. From 1998 to this day he is working as contract labour. Ex. W1 is working particulars showing his engagement form 1-8-82 to 28-9-85. Hence, he may be reinstated with all benefits. He was being paid monthly for the number of days he worked in the month. That from 1985, in ACG-17 he worked in cables. He worked under S.I., Mr. Satyanarayana. He is now working under a contractor by name Mr. Sudhakar. That he gave 3 to 4

applications to the Department for regularisation. No casual labour are being appointed by the Department. Ex. W3 is the certificate issued by the contractor Mr. Sudhakar that he is continuing to work from January, 1998 for laying of cable work on daily wages.

5. In the cross examination he deposed that he was getting Rs. 6/- per day ; for having worked from 12-5-81 to 31-5-85 on muster rolls. He was again engaged by the Department on Rs. 30/- per day for laying work upto 1994. That he worked with the contractor from February, 1994 and continuing till date.

6. The Management examined Sri M. Narasaiah, Sub-Divisional Engineer (Operations) who deposed that the period of preservation of muster rolls/muster rolls registers is 5 years. Hence, the Petitioner having worked from 1981 to October, 1985 for 1120 days could not be verified. That his being engaged on ACG-17 from 1989 to 1994 and 1985 to 1988 is false. That due to ban on the engagement of the casual mazdoors, it became necessary to engage contractors and the Petitioner might have been engaged from January, 1998 does not concerned with the Department. Moreover, the Petitioner has approached after 15 years. Hence, he is not entitled for any relief.

7. In the cross examination he deposed that he has not filed any document to show that the documents filed by the Petitioner are false and not denying. They have not verified the engagement of the Petitioner with the contractor.

8. It is argued by the Learned Counsel for the Petitioner that the Petitioner has worked from January, 1982 to October, 1985 for 1120 days. That they have never questioned the veracity of the documents filed by the Petitioner except that it is belated. At present the Petitioner is working under the contractor engaged by the Respondent. Hence, the Respondent may be directed to regularize his services.

9. It is argued by the Learned Counsel for the Respondent that according to the Petitioner he was engaged from January, 1982 to October, 1985 for 1120 days and his name was removed in October, 1985 without notice. That in fact, the Central Government, Ministry of Labour has refused to refer the said dispute. There is practically no record that he has worked from 1982 to 1994 or till date and he has worked with the contractor. Hence, no relief may be granted to him.

10. It may be seen that the Petitioner is not able to give any proof of his engagement from 1982 and there is no record that he worked upto 1985, on ACG upto 1994 nor it is mentioned in the claim statement. What is pleaded cannot be looked into. He has raised the dispute before the Assistant Labour Commissioner(C), Mancherial after a lapse of 14 years. The Government of India, Ministry of Labour refused to refer the matter. Apparently, for

matter of 1985 he has approached this Court in 2001. No doubt there is no limitation but it does not mean, one can sleep for decades and can come whenever he pleases to the Court. Such a long delay amounts to abandonment of the claim if any. However, he has filed Ex. W1 to Ex. W3 which are not denied by the Respondent. Hence, an award is passed holding that if any casual employees/temporary employees are appointed in future, the Petitioner may be given preference taking his date of initial engagement as 1st January, 1982 giving relaxation of age in the matter of engagement.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 8th day of September, 2003

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW 1: Sri Md. Samdhani	MW1: Sri M. Narasaiah
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Documents marked for the Petitioner

Ex. W1:	Copy of particulars regarding engagement of WW1 between 1-1-82 to 14-9-85
Ex. W2:	Original muster roll book for the period from 1981 to 1985
Ex. W3:	Copy of certificate issued by Sri K. Sudhakar dt. 8-10-200.

Documents marked for the Respondent

Ex. M1:	Copy of retention schedule from P&T FHB Vol. III
Ex. M2:	Copy of DGP & T Ir. No. 270/6/84-STN dt. 30-3-85
Ex. M3:	Copy of DOT New Delhi Ir. No. 270-6/84-STN dt. 22-6-88
Ex. M4:	Copy of Ir. No. 269-4/93-STN-II (Pt.) dt. 12-2-99
Ex. M5:	Copy of declining order for reference dt. 11-9-2001.

नई दिल्ली, 3 नवम्बर, 2003

का. आ. 3259. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (सदर संख्या एलसीआई डी-257/2001) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-2003 को प्राप्त हुआ था।

[सं. एल-40025/19/2003-आईआर (डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3259.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-257/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman which was received by the Central Government on 3-11-2003.

[No. L-40025/19/2003-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

PRESENT:

SHRI E. ISMAIL, B. SC., LL.B., Presiding Officer

Dated, the 8th day of September, 2003

INDUSTRIAL DISPUTE L.C.ID NO. 257/2001

BETWEEN:

Sri Md. Yakub Ali,
S/o Abdul Kareem,
R/o H. No. 11-23-350,
Tilak Road, L.B. Nagar,
Warangal

....., Petitioner

AND

1. The General Manager,
A.P. Telecom,
Suryalok Complex,
Abids, Hyderabad
2. The Sub-Divisional Officer,
Telecom,
Warangal.

..... Respondents

APPEARANCES:

For the Petitioner : M/s. R. Yogender Singh,
V. Kiran Kumar, K Sunil
Kishore Goud & B.K.M.
Chakravarthy, Advocates

For the Respondent : Sri R.S. Murthy, Advocate

AWARD

This is a case taken under Sec. 2 A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are : That the Petitioner worked from October 1981 to July, 1985 on muster rolls. During the period January, 1981 to December, 1982 the workman was engaged for a period of 276 days excluding weekly offs. That his name was removed from muster rolls with effect from October, 1985. Thus, it tantamounts to termination violating the provisions of I.D. Act. That the Petitioner belong to economically backward class. Due to the arbitrary and inhuman action of the Respondent his entire family thrown into financial hardships. That whenever he requested the second Respondent he dogged the matter by making false promises that they will reengage the Petitioner whenever the vacancies arises. In fact, the Respondent is extracting the work from the Petitioner even as on today. Hence, may be pleased to set aside the oral termination order dated October, 1985 and direct the Petitioner to be reinstated with back wages, continuity of service and pass such other and further orders that the Hon'ble Court may deem fit in the circumstances of the case.

3. The respondent filed a counter stating that the Respondents are entrusted with the responsibility of setting up and maintenance of telecom system. That in the past for the purpose of digging of trenches, laying of cables, carrying loads and similar other related works, a large number of manual work force was required and work was of intermittent nature and not continuous. The sanctioned strength based on regular and continuous work load was not adequate to meet several exigencies. The Petitioner is seeking relief on the basis of his intermittent engagement from the period October, 1981 to July, 1985. The record for the said period had been weeded out by efflux of time. That the Petitioner approached after a lapse of 16 years by raising a dispute before the Assistant Labour Commissioner (C), Mancherial in the year 1999. The Ministry of Labour, Government of India also has declined to make a reference under Sec. 10 of the I.D. Act. The claim is misconceived, frivolous and vexatious. Since the Department has taken a policy decision to close the establishment engaging casual labour thereby leaving no scope for invoking Sec. 25F of the I.D. Act. The allegation that his name was removed in violation of provisions of Industrial Disputes Act, 1947 is not correct. That as per settled law, mere completion of one year service on intermittent works would not confer any right for reinstatement and termination of casual mazdoor on expiry of the said period of engagement. That the Petitioner is not entitled for any relief.

4. The Petitioner examined himself as WW1 and deposed that he was engaged by the respondent with effect from October, 1981 to July, 1985 on muster rolls. After that he worked from 1986 to 1994 on ACG-17. From January, 1998 he was working with contractor Sri Sudhakar. Ex. W1 is the certificate to that effect. Ex. W2 is the muster roll in original showing his engagement with the Respondent. It is not true to suggest that the claim is not correct.

5. The Management examined Sri N. Narasiah, Sub-Divisional Engineer (Operations) who deposed that the Petitioner is claiming that he was engaged on muster rolls from October, 1981 to July, 1985. But, it could not be verified as the records of the said periods have been weeded out by efflux of time as per retention schedule proscribed in P&T FHB Vol. III marked as Ex. M1. As per the retention schedule, the period of preservation of muster rolls/muster rolls registers is 5 years. That the claim of the Petitioner that he was paid through ACG-17 from July, 1985 to 1994 is false. That due to ban on engagement of casual mazdoors it was considered necessary to carry out urgent work through contractors. Thus, it appears that the Petitioner might have been engaged by the contractor from January, 1998 and this engagement is no way connected with the Department. That there is no scope to engage casual mazdoors except for a period of 60 days. That the Petitioner raised an industrial dispute before the Assistant Labour Commissioner (C), Mancherial in the year 2000 which ended in failure and the Ministry of labour, Government of India has not considered this dispute fit for reference. As it has been raised after a lapse of 14 years long delay. That there is no retrenchment at all.

6. In the cross examination he deposed that they are in no way connected with the engagement of the Petitioner with the contractor. He does not know about the signatories in Exs. W1, W2, and W3. He has not enquired whether those signatories worked in the Department during the said time.

7. It is argued by the Learned Counsel for the Petitioner that the Petitioner has worked from October 1981 to July, 1985 for 276 days. That they have never questioned the veracity of the documents filed by the Petitioner except that it is belated. At present the Petitioner is working under the contractor engaged by the Respondent. Hence, the Respondent may be directed to regularize his services.

8. It is argued by the Learned Counsel for the Respondent that according to the Petitioner he was engaged from October, 1981 to July, 1985 for 276 days and his name was removed in July, 1985 without notice. That in fact, the Central Government, Ministry of Labour has refused to refer the said dispute. There is practically no record that he has worked from 1982 to 1998 and he has

worked with the contractor. Hence, no relief may be granted to him.

9. It may be seen that the Petitioner is not able to give any proof of his engagement from 1981 and there is no record that he worked up to 1998 on ACG from 1985 upto 1998 nor it is mentioned in the claim statement. What is not pleaded cannot be looked into. He has raised the dispute before the Assistant Labour Commissioner(C), Mancherial after a lapse of 14 years. The Government of India, Ministry of labour refused to refer the matter. Apparently, for a matter of 1985 he has approached this Court in 2001. No doubt there is no limitation but it does not mean, one can sleep for decades and can come whenever he pleases to the Court. Such a long delay amounts to abandonment of the claim if any. However, he has filed Ex. W1 to Ex. W3 which are not denied by the Respondent. Hence, an award is passed holding that if any casual employees/temporary employees are appointed in future, the Petitioner may be given preference taking his date of initial engagement as 1st October, 1981 giving relaxation of age in the matter of engagement.

Award passed accordingly. Transmit.

Dictated to Kum. K.Pphani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 8th day of September, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 : Sri Md. Yakub Ali	MW1 : Sri M. Narasaiah
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Documents marked for the Petitioner

Ex. W1: Copy of certificate issued by Sri Sudhakar dt. 7-10-2001

Ex. W2: Original muster roll book

Documents marked for the Respondent

Ex. M1: Copy of retention schedule from P&T FHB Vol. III

Ex. M2: Copy of DGP & T Ir. No. 270/6/84-STN dt. 30-3-85

Ex. M3: Copy of DOT New Delhi Ir. No. 270/6/84-STN dt. 22-6-88

Ex. M4: Copy of Ir. No. 269-4/93-STN-II(Pt.) dt. 12-2-99

Ex. M5: Copy of minutes of conciliation of ALC(C)/MCI dt. 22-6-2000

Ex. M6: Copy of declining order of the Desk Officer dt. 8-3-2001

नई दिल्ली, 3 नवम्बर, 2003

का. आ. 3260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एम.पी.डी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (सदर्भ सं.-220/97) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल.-20012/583/98-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3260.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 220/97) of the Central Government Industrial Tribunal/Labour Court, II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CMPDL and their workman which was received by the Central Government on 30-10-2003.

[No. L-20012/583/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT: Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 220 OF 1997

PARTIES: Employers in relation to the management of C.M.P. D.I.L., Ranchi and their workman

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Coal

Dated, Dhanbad the 13th October, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012-583/98-IR(C-I), dated, the 17th May, 1999.

SCHEDULE

"क्या श्री लालू टिकों विधायी कैंटीन के कर्मकार होने के नाते सी.एम.पी.डी.आई. एल. के सीधे कर्मकार माने जाने चाहिए? यदि हां

तो इस संबंध में क्या दि. 15-6-98 से ठेके की समाप्ति पर उनकी सेवाएं समाप्त किया जाना विधिवत एवं न्याय संगत है यदि नहीं तो कर्मकार किस राहत के पत्र हैं ?”

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. However, the management side appeared in two occasion through their representative but did not submit any written statement. It is seen from the record that the instant reference was received by this Tribunal on 10-6-1999 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman as well as the management but inspite of the issuance of notices they failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance for the workman and the management inspite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the union for their workman. These unions inspite of receiving notice do not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed, I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an

indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2003

का. आ. 3261.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आरोमा हार्ड कोक इंडस्ट्रीज के प्रबंधन के संकट नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (सदर सं. 6/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल-20012/295/99-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3261.—In pursuance of Section, 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2000) of the Central Government Industrial Tribunal-cum-Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Aroma Hard Coke Industries and their workman which was received by the Central Government on 30-10-2003.

[No. L-20012/295/99-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT: Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 6 OF 2000

PARTIES: Employers in relation to the management of Aroma hard Coke Industries Govindpur and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 13th October, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/295/99(C-I) dated, the 21st January, 2000.

SCHEDULE

"Whether the action of the management of Aroma Hard Coke Industries, Govindpur in dismissing Seunandan Das and ten other workman (as per list attached to the order of reference) from the services of company is legal, just and proper? If so, to what relief are the workman entitled?"

2. In this reference neither the concerned workman nor his representative appeared. The management also did not appear in this reference. It is seen from the record that the instant reference was received by this Tribunal on 31-1-2000 and since then it is pending for disposal. Registered notices and show cause notices were issued to both the sides but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the Reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workman. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed, I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows

clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly, as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2003

का. आ. 3262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ सं. 148/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/10/03 को प्राप्त हुआ था।

[सं. एल-20012/236/98-आईआर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3262.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 148/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman which was received by the Central Government on 30/10/03.

[No. L-20012/236/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

SHRIB. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 148 of 1999

PARTIES : Employers in relation to the management of Gopalichak Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : Shri S.N. Ghosh,
Advocate.
State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 13th October, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/236/98-IR. (C-I), dated, the 19th February, 1999.

SCHEDULE

"Whether the action of the management of Gopalichak Colliery of M/s. BCCL in superannuating Sh. Sobbh Nath Singh, Ex-Security guard from the services of the company on the basis of date of birth of 27-3-1932 recorded in Form 'B' Register of Gopalichak Colliery, (although, the management has failed to produce the original Form B register of Godhar colliery and the I.D. Card register of Godhar Colliery produced does not contain the date of birth of Sri Singh in the relevant column, where the concerned workman and came on transfer to Gopalichak Colly. on 19-1-89 and also has failed to prove through any documentary evidence that on what basis/ground, they have recorded the date of birth of Sri Singh as 27-3-1932 in Form B of Gopalichak Colliery against the claim of the 16-7-1944 recorded in Form 'B' register of Godhar Colliery) is justified? If not, to what relief the concerned workman is entitled?"

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate did not file their W.S. It is seen from the record that the instant reference was received by this Tribunal on 8-3-99 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but inspite of the issuance of notices they failed to appear before this Tribunal. They also did not even to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on

merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient Opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2003

का. आ. 3263.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार को०को० का प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 283/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/10/03 को प्राप्त हुआ था।

[सं. एल-20012/364/2001-आर्आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3263.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 283/2001) of the Central Government Industrial Tribunal/Labour Court II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30/10/03.

[No. L-20012/364/2001-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****PRESENT:**

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(I)(d) of the I.D. Act., 1947.

Reference No. 283 of 2001

PARTIES: Employers in relation to the management of C.V. Area of M/s. BCCL and their workman.**APPEARANCES:**

On behalf of the workman : None.

On behalf of the employers : Shri B.M. Prasad, Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 13th October, 2003.

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(I)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/364/2001-IR. (C-I), dated, the 10th October, 2001.

SCHEDULE

"Whether the action of the management of M/s. BCCL in refusing the VRS application of Smt. Nishu Manjhian and the failure to offer employment to her dependent son is fair and justified? If not, to what relief is Smt. Nishu Manjhian or her dependent is entitled?"

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate did not file their W.S. It is seen from the record that the instant reference was received by this Tribunal on 9-11-2001 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but inspite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose

of the reference in on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I. D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 3 नवम्बर, 2003

का. आ. 3264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 156/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/10/03 को प्राप्त हुआ था।

[सं. एल-20012/306/97-आईआर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S.O. 3264.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 156/98) of the Central Government Industrial Tribunal Labour Court II, Dhanbad now as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-10-2003.

[No. L-20012/306/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

PRESENT:

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 156 of 1998

PARTIES : Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : Shri H. Nath, Advocate.

State : Jharkhand Industry : Coal.

Dated, the 13th October, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/306/97-IR(C-I), dated, the Nil.

SCHEDULE

"Whether the action of the management of M/s. BCCL in denial to regularise Shri Jageshwar Saw Keshri and Shri Dilip Kumar as Fitter Helper and Excavation Mazdoor respectively w.e.f. the date of appointment is justified? If not, to what relief are these workmen entitled?"

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate did not file their W. S. It is seen from the record that the instant reference was received by this Tribunal on 13-7-98 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but in spite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the

Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman in spite of issuance of registered notices. As per I. D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices do not care to appear before the Court for the interest of the workman and, as a result, they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 3 नवम्बर, 2003

का. अ. 3265. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भा. को. को. लि. की प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 235/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल-20012/89/98-आईआर (सी-1)]

एस.एस. गुप्ता, जूनियर सचिव

New Delhi, the 3rd November, 2003

S.O. 3265.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 235/98) of the Central Government Industrial Tribunal/Labour Court II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 30-10-2003.

[No. L-20012/89/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 235 of 1998

PARTIES : Employers in relation to the management of Kusunda Area of BCCL and their workman.

APPEARANCES:

For the Workman : None.

For the Employers : Shri R.N. Ganguly,
Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 13th October, 2003.

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/89/98-IR (C-1), dated, the 8th December, 1998.

SCHEDULE

“Whether the action of the management of Kusunda Area of BCCL in dismissing the services of Sri Ved Prakash Prasad, Miner Loader of East Basuriya Colliery on the basis of exparte enquiry during the pendency of case in court of law is justified? If not, what relief the workman is entitled to.”

2. In this reference neither the concerned workman nor his representative appeared. However, though the management side appeared through their learned Advocate did not file their W. S. It is seen from the record that the instant reference was received by this Tribunal on 30-12-98 and since then it is pending for disposal. As the concerned workman failed to appear before this Tribunal, registered notices were issued to the workman side but inspite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference on merit. In view of the decision of the Hon'ble Apex Court reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed on merit but when the parties do not take any step or do not consider even to file writ even to file W/S documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I. D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 3 नवम्बर, 2003

SCHEDULE

का० आ० 3266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी०एम०पी०डी०आई०एल० के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 210/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल.-20012/585/98-आई आर(सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S. O. 3266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 210/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.M.P.D.I.L. and their workmen, which was received by the Central Government on 30-10-2003.

[No. L-20012/585/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRIB. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947

REFERENCE NO. 210 OF 1999

PARTIES:

Employers in relation to the management of
C.M.P.D.I.L, Ranchi and their workman.

APPEARANCES:

On behalf of the workman : None
On behalf of the employers : Mr. A.K. Mishra,
Personnel Officer.

Dated, Dhanbad, the 13th October, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/585/98-IR(C-I), dated, the 17th May, 1999.

"क्या प्रभू लोहर विधायी केंटीन के कर्मकार होने के नाते सी.एम.पी.डी.आई.एल. के सीधे कर्मकार माने जाने चाहिए? यदि हाँ तो इस संबंध में क्या दि. 15-6-98 से ठेके की समाप्ति पर उनको सेवाएं समाप्त किया जाना विधिवत् एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?"

2. In this reference neither the concerned workman nor his representative appeared. However, the management side appeared through their representative and filed authorisation but did not submit any written statement. It is seen from the record that the instant reference was received by this Tribunal on 10-6-1999 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman as well as the management but in spite of the issuance of notices they failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance for the workman and the management in spite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the union for their workmen. These unions in spite of receiving notices do not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed, I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not

interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2003

का० आ० 3267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मा०को०को०लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 226/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल.-20012/244/2001-आई आर(सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S. O. 3267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 226/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 30-10-2003.

[No. L-20012/244/2001-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE NO. 226 OF 2001

PARTIES :

Employers in relation to the management of Sijua Area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None
On behalf of the employers : Sri U.N. Lall,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 13th October, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/244/2001-IR(C-I), dated, the 10th August, 2001.

SCHEDULE

“Whether the action of the management of Bhowra (North) Un Mine’s is dismissing Shri Lakhand Rai w.e.f. 3-9-98 is justified? If not, to what relief is the workman entitled?”

2. In this reference neither the concerned workman nor his representative appeared. The management, however, appeared through their learned Advocate and filed authorisation but did not submit any written statement. It is seen from the record that the instant reference was received by this Tribunal on 20-10-2001 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union as well as to the management but in spite of the issuance of notices the workmen/union failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issued on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the workman in spite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the union for their workmen. These unions in spite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed, I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it

depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded as result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2003

का० आ० 3268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एम.पी.डी.आई.एल. के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 218/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2003 को प्राप्त हुआ था।

[सं. एल.-20012/581/98/आई आर(सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3rd November, 2003

S. O. 3268.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 218/99) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CMPDIL and their workmen, which was received by the Central Government on 30-10-2003.

[No. L-20012/581/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI B. BISWAS,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE NO. 218 OF 1999

PARTIES:

Employers in relation to the management of C.M.P.D.I.L., Ranchi and their workmen.

Appearances:

On behalf of the workman : None

On behalf of the employers : None

State Jharkhand

Industry : Coal

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/551/98-IR(C-I), dated, the 17th May, 1999.

SCHEDULE

"क्या श्री शंकर रावत विधायी कैंटीन के कर्मकार होने के नाते सी.एम.पी.डी.आई.एल. के सीधे कर्मकार माने जाने चाहिए? यदि हां तो इस संबंध में क्या दि. 15-6-98 से ठेके की समप्ति पर उनकी सेवाएं समाप्त किया जाना विधिवत् एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?"

2. In this reference neither the concerned workman nor his representative appeared. However, the management side though appeared on one occasion but did not submit any W.S. It is seen from the record that the instant reference was received by this Tribunal on 10-6-1999 and since then it is pending for disposal. Registered notices were issued to the workman as well as the management but in spite of the issuance of notices they failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance for the workman and the management in spite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from

raising any industrial dispute. The disputes are mainly raised by the union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 नवम्बर, 2003

का० आ० 3269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 240/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-2003 को प्राप्त हुआ था।

[सं. एल-22012/355/2000-आई आर (सीएम-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 4th November, 2003

S. O. 3269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 240/2002) of the Cen. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of SCCL and their workmen, received by the Central Government on 4-11-2003.

[No. L-22012/355/2000-IR(CM-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT

Shri E. Ismail, B.Sc., L. L. B.,

Presiding Officer

Dated the 22nd day of August, 2003

INDUSTRIAL DISPUTE NO. 240/2002

Between

Sri Kapu Komaraiah,
Ex-coal cutter,
H. No. 1-105, Shantinagar,
Bhupalapalli(M),
Warangal-506168.

... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Bhupalapalli Division,
Warangal-506168.

... Respondent

Appearances :

For the Petitioner : M/s A.K. Jayaprakash Rao,
K. Srinivas Rao, P. Sudha, T. Bal
Reddy, M. Govind, N. Sanjay &
K. Ajay Kumar, Advocates

For the Respondent : M/s K. Srinivasa Murthy,
V. Uma Devi & C. Vijay Shekar
Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L- 22012/355/2000-IR(CM-II) dated 18-4-2002 referred the following dispute under section 10 (1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management and their workman.

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Co. Ltd., Bhupalapalli Division, Warangal District in dismissing Sri Kapu Komaraiah, Coal Cutter, worked in GDK-8 inc. (previously under Ramagundam-IV Divn.) w.e.f. 4-7-95 is legal and justified ? If not, to what relief the workman is entitled to ?”

This reference was registered as Industrial Dispute No. 240/2002 and notices were issued to the parties.

2. In the claim petition it is averred that the Petitioner was appointed on 2-11-78 as worker-cum-trainee and thereafter he was promoted as coal cutter in the year 1979 and put in unblemished record of service till he was illegally dismissed on 4-5-1995/4-7-1995. That he was issued with a chargesheet on 3-1-94 where the following four charges were made :

- (i) A house plot No. 17 at K.K. Nagar was allotted to you for your residential purpose. You have constructed a house in the house plot allotted to you and sold out to Sri Kallepalli Janardhan. Coal-filler, GDK 10 Incline by taking Rs 19,000/-.

- (ii) You have illegally occupied company's land at Tarakarama Nagar in the middle of 8 Incline colony and constructed two houses out of which one house you have sold away to Sri T. Naresh Singh, Tea and Snak Vendor by taking Rs.15,500/-.
- (iii) A house was constructed by you in the company's land which was illegally occupied by you at Tarakarama Nagar consisting of 3 rooms sold away to Sri Are Madanaiah, Ex-coal filter, GDK. 10 Incline by taking Rs. 40,000/-.
- (iv) You have sold away some land at Tarakarama Nagar which was illegally occupied by you to Sri Nevuri Krishna Reddy, Pan Shop, owner near 8 Incline by taking Rs.2000/-.

3. That the enquiry was held which is invalid. That along with the Petitioner 25 other employees were allotted the plots by the Respondent Company. Petitioner along with other employees constructed house. That no conditions were stipulated in the allotment order. That all the employees on their transfer to other places have sold the houses and the Petitioner also sold only fixtures of his house as it was the practice in vogue in that area. That he suffered with paralysis and in order to meet his medical expenses he sold fixtures of his house and therefore he has not committed any misconduct. The Petitioner submits that he being an illiterate is not conversant with the procedural law and more over to save his life he was compelled to sell the fixtures of the house. Therefore, he has not done anything intentionally. Further, Mr. Janardhan one of the witnesses during the enquiry admitted that he was earlier residing in the house of Chuppala Latchulu and the said Chuppala Latchulu has purchased the house from some other employee. The Petitioner submits that he has not registered the house by way of executing any sale deed and the said Janardhan has also admitted in the cross examination, that as the Respondent company asks him to vacate, he would vacate the same. That the said witness also admitted that the land belongs to Respondent Company like wise another employee Mr. Are Madanaiah was also examined and he has also deposed the same. That the action of the Respondent is illegal, arbitrary and the Petitioner has brought to the notice of the Respondent about the sale transaction of other employees but no action was taken against those employees. But action was initiated only against the Petitioner. Hence, it is arbitrary and discriminated. The Petitioner has also submitted the list of other employees who have also sold the houses. The findings of the Enquiry Officer are perverse, one sided and are based on mere surmises and conjunctures. The Petitioner further submits that the Enquiry Officer obtained his signatures stating whether he wants to continue in employment or not but curiously the Enquiry

Officer has recorded to the statement contrary to the statement made by the Petitioner. Even yet assuming without admitting that he has sold the land and registered in the name of some other persons, the said transaction is invalid. That the said punishment is arbitrary and discriminatory. Hence, the Petitioner may be reinstated with full back wages.

4. A counter was filed stating that the Petitioner has filed writ petition No. 16439 of 1995 before the Hon'ble High Court of Andhra Pradesh to declare the dismissal proceedings dated 4-7-95 as arbitrary and illegal etc. The Hon'ble High Court vide its order dated 17-8-99 dismissed the Writ Petition relegating the Petitioner to pursue alternative remedy available under the Industrial Disputes Act, 1947. Subsequently, the Government referred the matter to this Hon'ble Court. The fact that he was appointed in 1978 and promoted in 1979 is not denied. Further, it is not correct to say that he has put in service with unblemished record is not correct.

5. He was chargesheeted for illegal occupation and selling of company's land at K.K. Nagar and Tarakarama Nagar of Sector-III of Godavarikhani. That the enquiry was properly conducted, the procedure of enquiry was explained to the Petitioner in Telugu and Sri Solomon, office president, INTUC as Defence Representative fully participated in the domestic enquiry at every stage of the proceeding. Further, the Management examined four witnesses of the Petitioner himself got examined. It is settled principle of law that the Presenting Officer can lead evidence in the domestic enquiry, that he cannot be a witness is absolutely incorrect and hence denied. Further, the contention that there were no conditions stipulated in the allotment order is not correct. The allottees do not have any right to alienate the aforesaid houses and they will have to be surrender back to the Company the houses on their retirement/superannuation. The further contention of the Petitioner that all the employees were transferred to other places have sold their houses and the Petitioner also sold only the fixtures of the house as it was a practice in vogue is not correct. The Petitioner is trying to make it a case that it was sold for his medical expenses is contrary to the allotment order issued to him. Further the Respondent Company has got well established hospital to cater to the needs of its employees. The contention that Sri Janardhan had admitted in the cross examination that earlier he was residing in Chuppala Latchulu's house and that Sri Chuppala Latchulu has purchased the house from some other employee is not concerned to this case and it is denied. Further contention of the Petitioner that he has not registered the house by way of executing his sale deed in favour of Mr. Janardhan is absolutely incorrect. It may be pointed out that the Petitioner was allotted plot No. 17 for his residential accommodation at K. K. Nagar, The Petitioner constructed house thereon and sold the house together with the land to Sri K. Janardhan, Coal

filler, Godavarikhani. 10 Incline for Rs.19,000/-. He also entered into an agreement dated 10-10-87 with Sri K. Janardhan on non-judicial stamp paper. The Petitioner admits that the land belongs to the Respondent Company and he did not report the aforesaid sale transaction to the Respondent Company.

6. Further, the Petitioner has illegally occupied the Company's land in the middle of 8-Incline Colony and later on called as Tarakarama Nagar and constructed two houses thereon and sold one to Sri Takur Naresh Singh, Tea and Snacks Vendor, for a sale consideration of Rs.15,500/- vide an agreement of sale dated 11-8-92. He sold the second house to Sri A. Madanaiah, Ex-coal filler for a consideration of Rs.40,000/- and had also executed an agreement of sale, but no body has a right to occupy company's land and construct the houses and sell. Hence, the petition may be dismissed.

7. Arguments were heard on the validity of domestic enquiry and this court by its order dated 7-1-2003 held that the domestic enquiry is validly conducted. Accordingly arguments were heard u/s 11 A.

8. It is argued by the Learned Counsel for the Petitioner that no quarters were allotted and only open land was given. On which he constructed a house and sold only the house and not the land. That the Petitioner has submitted list of other employees who also sold the houses. But no action was taken against them. That he sold the house to one Sri Janardhan, who admitted in the cross examination during the enquiry that if the Respondent Company asked him to vacate he would vacate the same. Hence, what is the loss that the Company suffered? That it is practically in vogue by most of the employees that they construct houses on the land alleged by the Company and sell only the house whenever need arises. He therefore submits that the findings of the enquiry are vague and one sided. At any rate the punishment awarded is disproportionate to the alleged offence.

9. It is argued by the Learned Counsel for the Respondent that the Petitioner has filed W.P. No. 16439 of 1995 before the Hon'ble High Court to declare the dismissal proceedings dated 4-7-95 as arbitrary and illegal. The Hon'ble High Court by its order dated 17-8-99 dismissed the W.P. directing the Petitioner to pursue the alternative remedy available under the I. D. Act. That he was chargesheeted for illegal occupation and selling of Company's land at K. K. Nagar and Tarakarama Nagar of Sector-III of Godavarikhani. That the Petitioner has no right to alienate the aforesaid house and he has to surrender the house to the Company on superannuation. The allegation that the other also resorting to the same practice is not correct. Leave alone the flat that has been allotted to him on which he constructed a house and sold to Janardhan he also had occupied Company's land in the middle of 8-Incline colony, later on called as Tarakarama

Nagar and sold one to Sri Takur Naresh Singh, tea and snacks vendor and second house to Sri Are Madanaiah, Ex-coal filler. So even if it is taken for granted that the selling of his houses was in practice in vogue that he sold the houses and Janardhan agreed during the enquiry in the cross examination that he is willing to surrender the house yet what is the explanation for occupying illegally Company's land constructing houses on there and selling the houses. As such he cannot be treated leniently. Further, this Hon'ble Tribunal has held that the domestic enquiry is validly conducted by its order dated 7-1-2003. Therefore, he prays that the Petitioner is not entitled for any relief.

9. It may be noted that he has admitted during the enquiry that the land was occupied by him illegally at 8th incline along with 200 persons Company's employees and without company's permission. He constructed houses and sold one for Rs. 15,500/- and another at Rs.40,000/-. Now, as stated supra it would have been a different matter had he sold the houses constructed on the plot allotted to him only, but here he has constructed two houses on the illegally occupied land. May be along with 200 others. Even if that be true his offence is not in any way mitigated. Being an employee from the year 1978 he should have done better. I am of the opinion that any sympathy revoked under Sec. 11A would be a misplaced sympathy. Hence, I hold that the action of the General Manager, M/s. Singareni Collieries Co. Ltd., Bhupalpalli Division, Warangal District in dismissing Sri Kapu Komaraiah, Coal Cutter, worked in GDK-8 inc. previously under Ramagundam-IV Divn. with effect from 4-7-95 is legal and justified.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of August, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 4 नवम्बर, 2003

का० आ० 3270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या 35/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-2003 को प्राप्त हुआ था।

[सं. एल०-22012/8/2001-आई आर(सीएम-II)]

एन०पी० केशवन, डैस्क अधिकारी

New Delhi, the 4th November, 2003

S.O. 3270 : In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 35/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of SCCL, and their workmen, received by the Central Government on 04-11-2003.

[No. L-22012/8/2001-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. ISMAIL
Presiding Officer

Dated the 20th day of August, 2003

INDUSTRIAL DISPUTE No.35/2002

BETWEEN:

The General Secretary,
Coal Mines Employees Union (HMKP),
H.O. Ramavaram, Punjabgadda,
Kothagudem. Khammam District.Petitioner

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Kothagudem Area,
Rudrampur (Post)
Khammam District.Respondent

APPEARANCES:

For the Petitioner : M/s C. Niranjana Rao, K. Guru
Priya, B. Bapu Rao & P.
Srinivas Kumar, Advocates

For the Respondent : M/s J. Partha Sarathi & A.
Chandra Sekhar, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/8/2001-IR(CM.II) dated 28-12-2001 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Co.Ltd. and their workman. The reference is,

SCHEDULE

"Whether the action of the management of M/s. Singareni Collieries Co.Ltd., Kothagudem Area in denying to place S/Sh.B. Appara, M. Buchi Reddy, S. Narasaiah, G. Rajaiah, B. Narasaiah, B. Rajaram Krishna and D. Satyanarayana, General Mazdoors Kothagudem Area in Clerical Gr. III is legal and justified? If not, what relief they are entitled to?"

The reference is numbered in this Tribunal as I.D. No. 35/2002 and notices issued to the parties.

2. In spite of several adjournments given from 26-3-2003 for enquiry, for eight adjournments including 20-8-2003 the petitioners have not turned-out. In spite of number of adjournments petitioners have failed to produce any evidence in support of their claim. There is nothing on record to support their case. Therefore, the reference is ordered against the petitioners and it is held that the petitioners are not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kam. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 20th day of August, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent :

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 नवम्बर, 2003

का० आ० 3271.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 दिसम्बर, 2003 को उक्त तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला विरूद्धनगर के सिरी विल्ली, पुत्तुर तालुक के राजस्व ग्राम-टी० मनगसेरी तथा सिक्कासी तालुक के राजस्व ग्राम सलवरपट्टी के अधीन आने वाले क्षेत्र"।

[सं० एस०-38013/39/03-एस.एस.-I]]

के० सी० जैन, निदेशक

New Delhi, the 3rd November, 2003

S.O. 3271.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st December, 2003 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

"Areas comprising the Revenue Villages of T. Managaseri of Srivilliputhur Taluk and Salvarpatti of Sivakasi Taluk in Virudhunagar District".

[No. S-38013/39/2003-SS.I]

K. C. JAIN, Director

नई दिल्ली, 5 नवम्बर, 2003

का० आ० 3272.— केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारत प्रतिभूति मुद्रणालय, नासिक रोड में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 12 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस०-11017/18/1997-आई० आर० (पी०एल०)]

जे० पी० पति, संयुक्त सचिव

New Delhi, the 5th November, 2003

S.O. 3272 : Whereas the Central Government is satisfied that the public interest required that the services in the India Security Press, Nashik Road which is covered by item 12 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/18/97-IR (PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 14 नवम्बर, 2003

का० आ० 3273.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 दिसम्बर, 2003 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध उत्तरांचल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला टिहरी गढ़वाल, परगना एवं तहसील-नरेन्द्र नगर के अन्तर्गत आने वाले राज्य ग्राम-ढालवाला एवं तपोवन"।

[सं० एस० 38013/40/03-एस०एस०-1]

के० सी० जैन, निदेशक

New Delhi, the 14th November, 2003

S.O. 3273 : In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st December, 2003 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Uttaranchal namely :—

"Areas comprising the revenue villages of Dhalwala and Tapovan in Pargana & Tehsil-Narendra Nagar, in the District of Tehri Garhwal."

[No. S-38013/40/2003-SS-I]

K. C. JAIN, Director